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# **MARTIAL LAW**

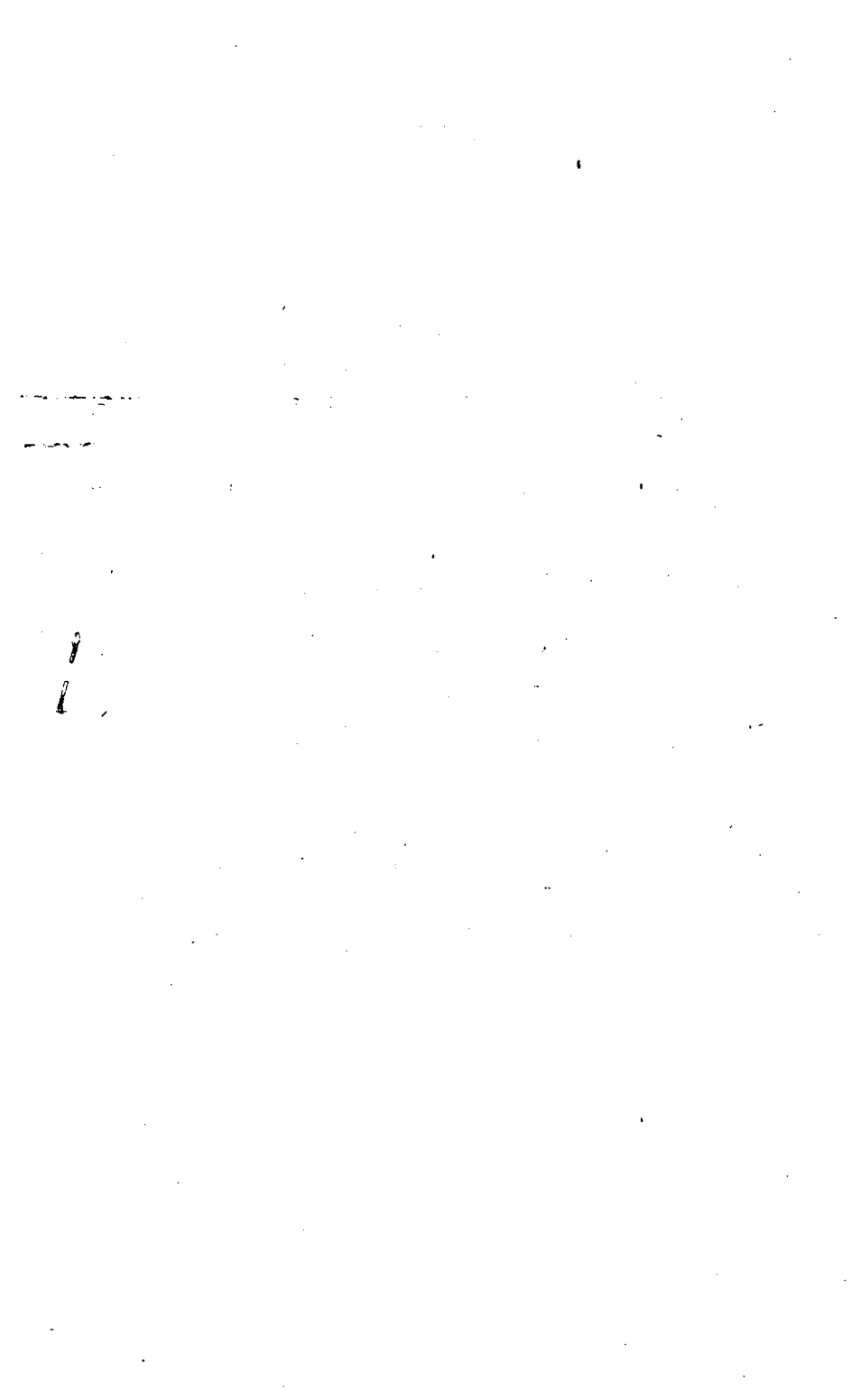
## **Regulations, Orders**

and

## **Instructions**

*By*  
The Chief Martial Law Administrator  
&  
The Zonal Martial Law Administrators

CRL



# **MARTIAL LAW**

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**The Zonal Martial Law Administrators**

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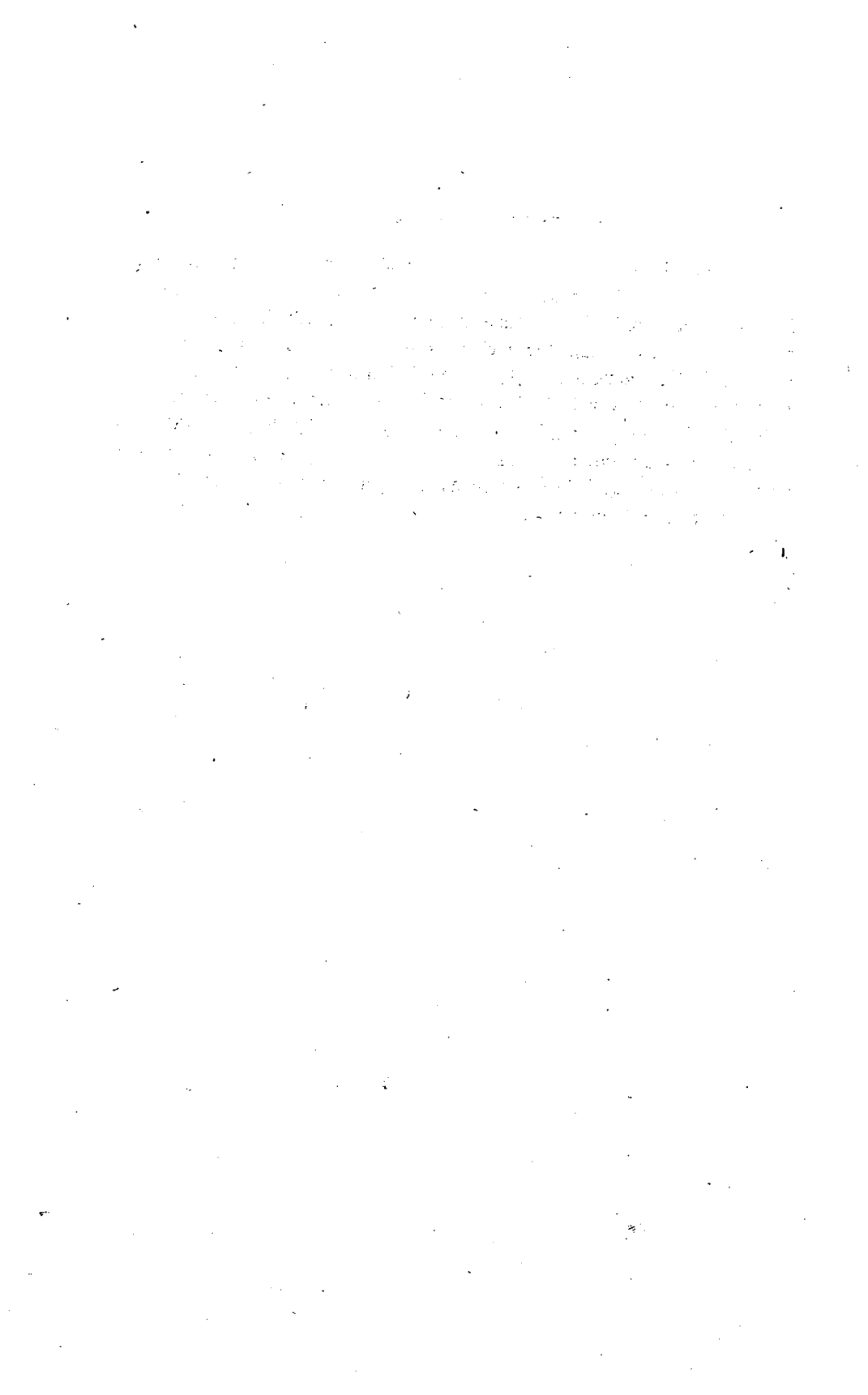
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### **PUBLISHER'S NOTE**

The Martial Law Orders, Regulations, and Instructions are not within the easy reach of everybody and furthermore these are interspersed in a large number of official Gazettes and Law Reports which it would take a long time to consult for picking out any particular law. It was in order to fill this vacuum that this compilation has been taken in hand. Herein the readers will find all such laws systematically arranged and indexed. Care has been taken to collect together all such laws within the cover of a single volume for the guidance of the members of the legal profession and the Judiciary as well as the general public who may be interested therein in any wise.

21st November, 1978

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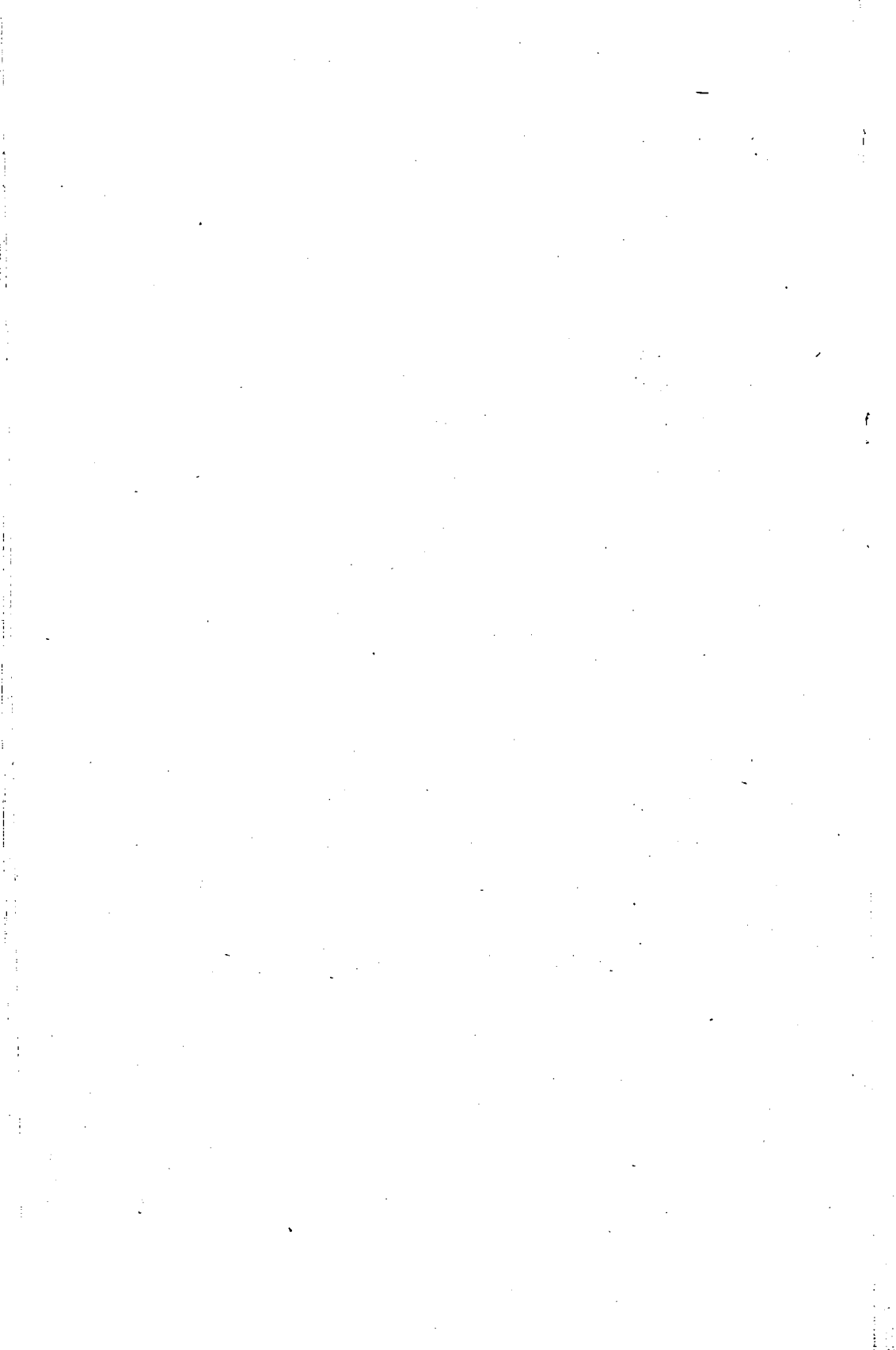
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# PART I

## THE LAWS (CONTINUANCE IN FORCE) ORDER, 1977

[C.M.L.A. ORDER No. 1 OF 1977]

[5th July, 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf the Chief Martial Law Administrator is pleased to make and promulgate the following Order :—

1.—(1) This Order may be called the Laws (Continuance in Force) Order, 1977.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2.—(1) Notwithstanding the abeyance of the provisions of the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, Pakistan shall, subject to this Order and any order made by the President and any <sup>1</sup>[Martial Law Regulation or Martial Law Order] made by the Chief Martial Law Administrator be governed as nearly as may be, in accordance with the Constitution.

<sup>2</sup>[Explanation.—In this Order the term “Constitution” shall be so construed as if—

(a) In Clause (3) of Art. 175 of the constitution for the words “five years” the words “Five years and six months” were substituted ; and

(b) Articles 179, 195 and 199 of the constitution had not been amended by any of the Acts amending it.

(2) Subject as aforesaid, all courts in existence immediately before the commencement of this Order shall continue to function and to exercise their respective powers and jurisdictions :

<sup>3</sup>[Provided that the Supreme Court or a High Court shall not have the power to make any order of the nature mentioned in Article 199 of the Constitution against the Chief Martial Law Administrator or a Martial Law Administrator or any person exercising powers or jurisdiction under the authority of either.]

(3) The Fundamental Rights conferred by Chapter I of Part II of the Constitution, and all proceedings pending in any court, insofar as they are for the enforcement of any of those Rights, shall stand suspended.

<sup>4</sup>[2A. Notwithstanding anything contained in Article 2, an interim order made by a High Court on an application made to it to question the validity or legal effect of any order made, proceeding taken or act done by any authority or person, which has been made, taken or

1. Subs. by C.M.L.A. Order No. 5 of 1977, Art. 2.

2. Resubstituted by C. M. L. A. Order 1st August, 1978.

3. Subs. by C.M.L.A. Order No. 2 of 1977, Art. 2.

4. Ins. by C.M.L.A. Order No. 3 of 1977, Art. 2.

done or purports to have been made, taken or done under any law which is specified in the Schedule or relates to, or is connected with, assessment or collection of public revenues shall cease to have effect on the expiration of a period of six months, following the day on which it is made, unless the case is finally decided, or the interim order is withdrawn, by the court earlier.]

3.—(1) The President shall, <sup>1</sup>[except where he is himself the Chief Martial Law Administration] act on, and in accordance with, the advice of the Chief Martial Law Administrator.

(2) The Governor of a Province shall <sup>1</sup>[except where he is himself the Martial Law Administrator for the Province] act on, and in accordance with, the advice of the Martial Law Administrator appointed by the Chief Martial Law Administrator for the Province.

4.—(1) No court, tribunal or other authority shall call or permit to be called in question the Proclamation of the fifth day of July, 1977, or any Order or Ordinance made in pursuance thereof or any Martial Law Regulation or Martial Law Order.

(2) No judgment, decree, writ, order or process whatsoever shall be made or issued by a court or tribunal against the Chief Martial Law Administrator or any Martial Law authority exercising powers or jurisdiction under the authority of the Chief Martial Law Administrator.

5.—(1) Notwithstanding the abeyance of the provisions of the Constitution, but subject to any Order of the President or <sup>2</sup>[Martial Law Regulation or Martial Law Order] made by the Chief Martial Law Administrator, all laws, other than the Constitution, and all Ordinances, Orders-in-Council, Orders made by the President, Rules, By-laws, Regulations, Notifications and other legal instruments in force in Pakistan or any part thereof, or having extra-territorial validity, shall, so far as may be and with such adaptations as the President may see fit to make, continue in force until altered, amended or repealed by competent authority.

(2) In clause (1), "in force", in relation to any law, means having effect as Law whether or not the law has been brought into operation.

6. <sup>3</sup>[Subject to clause (2) of Article 3, the] powers of a Governor shall be those which he would have had had, the Federal Government directed him to assume on its behalf all the functions of the Government of the Province under the provisions of Article 232 of the Constitution.

7.—(1) An Ordinance promulgated by the President or by the Governor of a Province shall not be subject to the limitation as to its duration prescribed in the Constitution.

(2) The provisions of clause (1) shall also apply to an Ordinance which was in force immediately before the commencement of this Order.

8. All persons who, immediately before the commencement of this Order, were in the service of Pakistan as defined in Article 260 of the Constitution, and those persons who immediately before such com-

1. Added by C. M. L. A. Order No. 2 of 1978.

2. Subs. by C.M.L.A. Order No. 5 of 1977, Art. 2.

3. Subs. by C.M.L.A. Order No. 2 of 1977, Art. 2.

mencement were in office as Judges of the Supreme Court or a High Court, <sup>1</sup>[or Auditor General] shall continue in the said service on the same terms and conditions and shall enjoy the same privileges, if any [;]

<sup>2</sup>[Provided that the incumbent of any office who would have retired from office in the absence of the amendment of the Constitution shall cease to hold office forthwith.]

9. Any provision in any law, providing for the reference of a detention order to a Review Board shall be of no effect.

3\* \* \* \* \*

#### **<sup>4</sup>[THE SCHEDULE]**

(See Article 2A)

#### **I. PRESIDENT'S ORDERS**

1. The Acceding State (Property) Order, 1971 (P.O. No. 12 of 1971).
2. The Economic Reforms Order, 1972 (P.O. No. 1 of 1972).

#### **II. REGULATIONS**

1. The Land Reforms Regulation, 1972.
2. The Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972.
3. The Economic Reforms (Protection of Industries) Regulation, 1972.
4. The Distribution of Property (Chitral) Regulation, 1974 (III of 1974).
5. The Settlement of Disputes of Immovable Property (Chitral) Regulation, 1974 (III of 1974).
6. The Dir and Swat (Devolution and Distribution of Property and Settlement of Disputes of Immovable Property) (Amendment) Regulation, 1975 (II of 1975).

The Settlement of Disputes of Immovable Property (Chitral) (Amendment) Regulation, 1976 (II of 1976).

#### **III. FEDERAL ACTS**

1. The Land Reforms (Amendment) Act, 1974 (XXX of 1974).
2. The Land Reforms (Amendment) Act, 1975 (XXXIX of 1975).
3. The Land Reforms (Amendment) Act, 1975 (LXXII of 1975).
4. The Flour Milling Control and Development Act, 1976 (LVII of 1976).
5. The Rice Milling Control and Development Act, 1976 (LVIII of 1976).
6. The Cotton Ginning Control and Development Act, 1976 (LIX of 1976).
7. The Land Reforms Act, 1977 (II of 1977).

1. Subs. by C.M.L.A. Order No. 2 1977, Art. 2.
2. Subs. and added by C.M.L.A. Order No. 6 of 1977, Art. 2.
3. Article 10 omitted by C.M.L.A. Order No. 4 of 1977, Art. 2.
4. Added by C.M.L.A. Order No. 3 of 1977, Art. 2.

## IV. PROVINCIAL ACTS

1. The Land Reforms (Baluchistan Amendment) Act, 1974 (Baluchistan Act XI of 1974).
2. The Land Reforms (Pat Feeder Canal Regulation) (Amendment) Act, 1975 (Baluchistan Act VII of 1975).

## V. PROVINCIAL ORDINANCE

The Land Reforms (Pat Feeder Canal) (Amendment) Ordinance, 1976.

**THE LAWS (CONTINUANCE IN FORCE) (AMENDMENT)  
ORDER, 1977**

[C.M.L.A. ORDER NO. 2 OF 1977]

[7th July, 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Order :—

1.—(1) This Order may be called the Laws (Continuance in Force) (Amendment) Order, 1977.

(2) It shall come into force at once.

2. In the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977),—

(a) in Article 2, in clause (2), for the proviso the following shall be substituted, namely :—

“Provided that the Supreme Court or a High Court shall not have the power to make any order of the nature mentioned in Article 199 of the Constitution against the Chief Martial Law Administrator or a Martial Law Administrator or any person exercising powers or jurisdiction under the authority of either.” ;

(b) in Article 6, for the word “The” the words, brackets, figures and comma “subject to clause (2) of Article 3, the” shall be substituted ; and

(c) in clause 8, for the comma and words “Auditor-General or Advocate-General” the words “or Auditor-General” shall be substituted.

**THE LAWS (CONTINUANCE IN FORCE) (SECOND AMENDMENT)  
ORDER, 1977**

[C.M.L.A. ORDER NO. 3 OF 1977]

[13th July, 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following Order :—

1.—(1) This Order may be called the Laws (Continuance in Force) (Second Amendment) Order, 1977.

(2) It shall come into force at once.

2. In the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), hereinafter referred to as the said Order, after Article 2, the following new Article shall be inserted :—

“2A. Notwithstanding anything contained in Article 2, an interim order made by a High Court on an application made to it to question the validity or legal effect of any order made, proceeding taken or act done by any authority or person, which has been made, taken or done or purports to have been made, taken or done under any law which is specified in the Schedule or relates to, or is connected with, assessment or collection of public revenues shall cease to have effect on the expiration of a period of six months following the day on which it is made, unless the case is finally decided, or the interim order is withdrawn, by the court earlier.”

3. In the said Order, after Article 10, the following Schedule shall be added, namely :—

#### “THE SCHEDULE

(See Article 2A)

##### I. PRESIDENT'S ORDERS

1. The Acceding State (Property) Order, 1971 (P.O. No. 12 of 1971).
2. The Economic Reforms Order, 1972 (P.O. No. 1 of 1972).

##### II. REGULATIONS

1. The Land Reforms Regulation, 1972.
2. The Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972.
3. The Economic Reforms (Protection of Industries) Regulation, 1972.
4. The Distribution of Property (Chitral) Regulation, 1974 (III of 1974).
5. The Settlement of Disputes of Immovable Property (Chitral) Regulation, 1974 (III of 1974).
6. The Dir and Swat (Devolution and Distribution of Property and Settlement of Disputes of Immovable Property) (Amendment) Regulation, 1975 (II of 1975).

The Settlement of Disputes of Immovable Property (Chitral) (Amendment) Regulation, 1976 (II of 1976).

##### III. FEDERAL ACTS

1. The Land Reforms (Amendment) Act, 1974 (XXX of 1974).
2. The Land Reforms (Amendment) Act, 1975 (XXXIX of 1975).
3. The Land Reforms (Amendment) Act, 1975 (LXXII of 1975).
4. The Flour Milling Control and Development Act, 1976 (LVII of 1976).
5. The Rice Milling Control and Development Act, 1976 (LVIII of 1976).
6. The Cotton Ginning Control and Development Act, 1976 (LIX of 1976).



## 7. The Land Reforms Act, 1977 (II of 1977).

## IV. PROVINCIAL ACTS

1. The Land Reforms (Baluchistan Amendment) Act, 1974 (Baluchistan Act XI of 1974).

2. The Land Reforms (Pat Feeder Canal Regulation) (Amendment) Act, 1975 (Baluchistan Act VII of 1975).

## V. PROVINCIAL ORDINANCE

The Land Reforms (Pat Feeder Canal) (Amendment) Ordinance, 1976.

**THE LAWS (CONTINUANCE IN FORCE) (THIRD AMENDMENT)  
ORDER, 1977**

[C.M.L.A. ORDER NO. 4 OF 1977]

[5th September, 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following Order :—

1.—(1) This Order may be called the Laws (Continuance in Force) (Third Amendment) Order, 1977.

(2) It shall come into force at once.

2. In the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), Article 10 shall be omitted.

**THE LAWS (CONTINUANCE IN FORCE) (FOURTH AMENDMENT)  
ORDER, 1977**

[C.M.L.A. ORDER NO. 5 OF 1977]

[19th September, 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following Order :—

1.—(1) This Order may be called the Laws (Continuance in Force) (Fourth Amendment, Order, 1977.

(2) It shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977.

2. In the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977).—

(a) In Article 2, in clause (1), for the word "Regulation" the words "Martial Law Regulation or Martial Law Order" shall be substituted; and

(b) in Article 5, in clause (1), for the word "Regulation" the words "Martial Law Regulation or Martial Law Order" shall be substituted.

**THE LAWS (CONTINUANCE IN FORCE) (FIFTH AMENDMENT)  
ORDER, 1977**

[C.M.L.A. ORDER NO. 6 OF 1977]

[22nd September, 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following Order :—

1.—(1) This Order may be called the Laws (Continuance in Force) (Fifth Amendment) Order, 1977.

(2) It shall come into force at once.

2. In the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977),—

(a) in Article 2, in clause (1), the following explanation shall be added at the end, namely :—

“Explanation.—In this Order, the term ‘Constitution’ shall be so construed as if Articles 179, 195 and 199 of the Constitution had not been amended by any of the Acts amending it.”; and

(b) in Article 8, for the full-stop at the end a colon shall be substituted and thereafter the following *proviso* shall be added, namely :—

“Provided that the incumbent of any office who would have retired from office in the absence of an amendment of the Constitution shall cease to hold office forthwith.”

---

**THE LAWS (CONTINUANCE IN FORCE) (SIXTH AMENDMENT)  
ORDER, 1978**

[C.M.L.A. ORDER NO. 1 OF 1978]

[21st August, 1978]

In pursuance of the Proclamation of the fifth day of July, 1977 and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following Order :—

1.—(1) This Order may be called the Laws (Continuance in Force) (Sixth Amendment) Order, 1978.

(2) It shall come into force at once.

2. In the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), in Article 2, in clause (1), for the Explanation the following shall be substituted, namely :—

“Explanation.—In this Order, the term “Constitution” shall be so construed as if—

(a) in clause (3) of Article 175 of the Constitution, for the words “five years” the words “five years and six months” were substituted; and

(b) Articles 179, 195 and 199 of the Constitution had not been amended by any of the Acts amending it.”

**THE LAWS (CONTINUANCE IN FORCE) (SEVENTH AMENDMENT)  
ORDER, 1978**

[C.M.L.A. ORDER NO. 2 OF 1978]

[16th September, 1978]

In pursuance of the proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following order :—

1.—(1) This order may be called the Laws (Continuance in Force) (Seventh Amendment) Order, 1978.

(2) It shall come into force at once.

2. In the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), hereinafter referred to as the said Order, in Article 3,—

- (a) In clause (1), after the word “shall”, the commas and words, “except where he is himself the Chief Martial Law Administrator”, shall be inserted ; and
- (b) In clause (2) after the word “shall”, the commas and the words “except where he is himself the Martial Law Administrator for the province” shall be inserted.

**MARTIAL LAW REGULATIONS  
ISSUED BY CHIEF MARTIAL LAW ADMINIS-  
TRATOR, PAKISTAN**

**No. 1**

[5th July, 1977]

Strikes, agitation or political activity of any kind in Educational Institutions is prohibited. Maximum punishment 5 years, Rigorous Imprisonment and/or whipping not exceeding 5 stripes.

**No. 2**

[Cancelled by C.M.L.A. Regulation No. 36 dated 9-5-1978]

[5th July, 1977]

Any person who abets the commission of any offence punishable under any Martial Law Regulation shall be awarded the same punishment as prescribed for such offence under these Regulations.

**No. 3**

[5th July, 1977]

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman shall be punished:

Maximum punishment 10 years, Rigorous Imprisonment and/or whipping upto 30 stripes.

**No. 4**

[5th July, 1977]

1. No person shall publish, print, circulate or cause to be published, printed or circulated or otherwise be in possession of any pamphlet, poster or publication or any type of literature calculated to promote or attempt to promote feeling of enmity or hatred between different provinces, classes, sects, or religious orders.

2. Any person who comes to know of, or has reason to believe in the existence of the pamphlet, poster, publication or literature as mentioned in paragraph 1 shall immediately inform the nearest military commander to this effect:

Maximum punishment 10 years, Rigorous Imprisonment and/or 30 stripes.

**No. 5**

[5th July, 1977]

1. No person shall organise or convene or attend any meeting, not being a religious congregation, in an open public place, or organize or take out a procession, not being a religious, funeral or marriage

procession, without the prior written permission of the Martial Law Administrator concerned.

2. No person shall attend or otherwise take part in any meeting or procession organized or convened or taken out in contravention of paragraph 1 of this regulation.

*Explanation 1.*—In this regulation “open public place” includes any tent, enclosure or other structure of temporary nature erected or constructed in a public place for the purpose of a meeting.

*Explanation 2.*—A “meeting” includes political meeting, Trade Union meeting, Students Union meeting or any other meeting involving discussions on any topic of political nature.

Maximum punishment 7 years, Rigorous Imprisonment, fine and/or whipping not exceeding 10 stripes.

#### No. 6

[5th July, 1977]

No person shall loot.

*Explanation.*—To “loot” means to commit theft.

Maximum punishment amputation of hand, and/or Rigorous Imprisonment for 5 years.

#### No. 7

[5th July, 1977]

No person shall commit dacoity as defined in the Pakistan Penal Code. Maximum punishment death or amputation of hand.

#### No. 8

[5th July, 1977]

1. No person shall be in actual or constructive possession of any fire-arm, ammunition, explosive or sword without a *bona fide* licence issued on or before 31st December, 1976. All weapons licences issued on or after 1st January, 1977 stand cancelled. Weapons purchased against licenses on or after 1st January, 1977 shall be deposited with the nearest Police Station or Army unit.

2. All prohibited bore weapons, irrespective of date of issue of licences shall be deposited alongwith the licences with the nearest Police Station or Army unit.

3. Following category of personnel are exempt from the operation of this Regulation :—

- (a) All defence personnel serving or retired.
- (b) All Government officials, serving or retired.
- (c) All personnel of law enforcing agencies :

Provided that the provisions of this paragraph shall not apply to retired Government officials who are or have been members of or connected in any manner whatsoever with a political party.

4. All explosives, except those covered by special permits, shall be deposited with the nearest Police Station or Army unit.

5. Contravention of this Regulation shall be punished with Rigorous Imprisonment which may extend to 14 years and/or fine not exceeding Rs. 10,000.00.

## No. 9

[5th July, 1977]

Any person who attacks, resists or injures, or causes to be attacked, resisted, or injured any member of the forces whether civil or military or any civil official, shall be punished. Maximum punishment death.

## No. 10

[5th July, 1977]

No person shall damage, tamper with or interfere with working of roads, railways, canals, aerodromes, telegraph, telephone, wireless installations or with any other Government property. Maximum punishment death.

## No. 11

[Cancelled by M.L.R. No. 39, dated 23rd August 1978]

[5th July, 1977]

No one shall, either directly or indirectly participate in any political activity.

*Explanation.*—"Political activity" shall include organising any political party, canvassing or campaigning in public or private in respect thereof, providing financial or any other assistance to any political party or propagating the cause of any political party in any other manner whatsoever.

Maximum punishment 5 years, Rigorous Imprisonment, fine and/or whipping not exceeding 10 stripes.

**Regulation No. 12.**—[Rep. by M.L.R. No. 23, dated the 19th Sept., 1977.]

## No. 13

[5th July, 1977]

No person shall, by words, either spoken or written, or by signs, or by visible representation, or otherwise, bring or attempt to bring into hatred or contempt or excite or attempt to excite disaffection towards the Armed Forces or any member thereof, or in any manner whatsoever spread or attempt to spread any report calculated to create alarm or despondency amongst the public.

Maximum punishment, Rigorous Imprisonment for five years and/or whipping upto 10 stripes.

## No. 14

[5th July, 1977]

Contravention of any Martial Law Order shall be punished with Rigorous Imprisonment for a term which may extend to 5 years, forfeiture of property, and/or whipping not exceeding 20 stripes.

## No. 15

[20th July, 1977]

Whoever by words, either spoken or written, or by signs or visible representation, or otherwise incites or attempts to incite public or a section of public to seek, the territorial or administrative dismember-

ment of Pakistan on Provincial, Sectarian or linguistic basis or propagates, works or makes any preparation whatsoever in this behalf shall be punished.

Maximum punishment death.

No. 16

[20th July 1977]

Whoever seduces in any manner whatsoever or attempts to seduce any member of the Armed Forces of Pakistan or of any other force, raised and maintained in Pakistan under the authority of the Government, from his duty or from his allegiance to the Government or to the Chief Martial Law Administrator shall be punished.

Maximum punishment death.

No. 17

[20th July, 1977]

Whoever impersonates any member of Armed Forces of Pakistan or of any other law enforcing agency or any other Government official shall be punished.

*Explanation.*—The expression 'law enforcing agency' shall include Police Force and all other Civil Armed Forces raised and maintained under any law for the time being in force.

Maximum punishment 5 years, Rigorous Imprisonment and/or whipping upto 10 stripes.

No. 18

[27th July, 1977]

1. This Regulation shall come into force at once and shall be deemed to have taken effect on the 5th day of July, 1977 and shall be in addition to and not in derogation of any other law for the time being in force or any Martial Law Order or Martial Law Regulation.

2. In this Regulation, unless there is anything repugnant in the subject or context, "Political Party" includes a group or combination of persons who are operating for the purpose of propagating any political opinion or indulging in any other political activity.

3. No political party or person shall, by words, either spoken or written, or by signs, or by visible representation or otherwise, propagate any opinion, or act in a manner, prejudicial to the ideology or the integrity or the security of Pakistan or prejudicial to the purpose for which Martial Law has been proclaimed.

4. No political party or person shall :—

- (a) Use force, violence, intimidation or threats of injury or offer monetary gains in propagating or for securing support for, the views of any political party ;
- (b) In any manner, cause injury or damage to any person or property ;
- (c) In any manner interfere with or cause disruption, in the functioning of educational institutions ;
- (d) Interfere in the operation or the functioning of the Public Services, Corporations or Institutions set up by or under any law ;

- (e) Seduce, or attempt to seduce from his allegiance or his duty, any Public Servant or any person serving in any Corporation or any other institution set up by or under any law ;
  - (f) Subject any unit of the news media, including newspaper offices and presses, to pressure of any kind, direct or indirect, in the performance of its functions or prevent it from projecting its views ;
  - (g) In any manner, interfere with the functioning, or transgress the limits of decent and fair criticism, of any political party or its members ; or
  - (h) In any manner, by himself or by any other person, obstruct, hinder or propagate against the holding of the elections to be held in October, 1977.
5. No procession of a political nature shall be taken out.
6. No person shall attend a public meeting armed with any deadly weapon or instrument which can be used for causing injury or damage to any person or property.
7. No person shall do anything, whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise :—
- (a) Which is calculated to create hatred against any religion, community, race, class, sect or tribe or between people of different regions ; or
  - (b) Which is calculated to incite the people to violence or to cause damage to any property.
8. No person shall, in any manner, obstruct or disturb or cause to be obstructed or disturbed, any meeting held by any person or political party.
9. Whoever contravenes any of the provisions of this Regulation shall be punished.

Maximum punishment 7 years, Rigorous Imprisonment and/or fine and/or whipping up to 10 stripes.

No. 19

[Cancelled by C.M.L.A. Regulation No. 39, dated 23rd August 1978]

[6th August, 1977]

1. Notwithstanding anything contained in Martial Law Regulation No. 11, closed door meetings of political nature are allowed to be held within the premises of established offices of political parties or any place of residence other than a building which is meant to be used as a public place or is being used or can be so used or is hired or obtained for the purpose of holding such a closed door meeting.
2. No one shall use any loud speaker or a similar appliance during the holding of a meeting as mentioned in paragraph 1.
3. This Regulation shall be deemed to have taken effect on the first day of August, 1977, and shall remain in force until 14th or 15th of September, 1977, as the case may be, that is, the day Eid-ul-Fitr is celebrated.



Maximum punishment, 5 years, Rigorous Imprisonment and/or fine and/or whipping upto 20 stripes.

### No. 20

[8th August, 1977]

1. No person who has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest shall become, or continue to be a member of a political party or shall in any manner engage himself, directly or indirectly, in any kind of political activity, unless a period of two years has elapsed since he ceased to be in such service.

*Explanation I.*—‘Service of Pakistan’ has the same meaning as in Article 260 of the Constitution of the Islamic Republic of Pakistan.

*Explanation II.*—‘Political Party’ has the same meaning as in Martial Law Regulation No. 18.

Maximum punishment 5 years Rigorous Imprisonment and/or fine and/or whipping upto 20 stripes.

### No. 21

[4th September, 1977]

1.—(1) Any person—

- (a) who has, at any time, been a member of the National Assembly during the period December, 1970 and July, 1977 ;
- (b) who has, at any time, been a Senator during the period July, 1973 and July, 1977 ;
- (c) who has, at any time, been a member of a Provincial Assembly during the period December, 1970 and July, 1977 ;

shall, if he is a person as mentioned in serial (a) and (b) above submit to the Chief Martial Law Administrator and if he is a person mentioned in Serial (c) above submit to the Martial Law Administrator concerned, within a period of fifteen days from the commencement of this Regulation and in accordance with the schedule to this Regulation, a statement of properties and assets, both movable and immovable, whether within or outside Pakistan, which he owns, or has in his possession or under his control, directly or indirectly, either in his own name or in the name of any other person and shall also furnish such other information relating to such properties and assets as the Chief Martial Law Administrator or the Martial Law Administrator concerned, as the case may be, may require.

*Explanation*—‘Property’ shall include :

- (a) Lands rural or urban, all types of buildings and structures whether completed or under construction, compounds and enclosures of any type, factories and firms registered or otherwise ;
- (b) All types of machines, whether fixed or movable including mechanical transport, tractors and similar machines, but excluding machines used for household purposes ;
- (c) Jewellery, precious stones all types in any form, pearls, gold, silver and other precious metals in any form ;

- (d) Contracts, Depots, Import and Export Licences, Route Permits, Agencies granted to or obtained by a person in his own name or in the name of any other person from the Government or any Corporation or Institution including autonomous and semi-autonomous Body or Association, controlled by the Government or in which the Government has any interest ;
- (e) Certificates, Insurance policies, Securities, Bonds, Bank balances, whether within or outside Pakistan, cash in any type of currency, Shares, Stocks; Debentures or any other Instrument carrying pecuniary benefit or advantage to a person ;
- (f) any other movable or immovable property, not being a property used for household purposes.

(2) In his statement of properties and assets the person concerned shall specify the properties and the assets held by him at the time when he was elected as a member of Parliament or of a Provincial Assembly and the properties and assets held by him when he ceased to be a member of the Parliament or of a Provincial Assembly.

(3) Upon receiving a statement under paragraph (2), the Chief Martial Law Administrator or the Martial Law Administrator concerned as the case may be after making such inquiries and in such manner as he may think fit, determine the correctness or otherwise of the statement and also the legality or properties of acquisition of such properties and assets by the person concerned.

2. If the Chief Martial Law Administrator or a Martial Law Administrator as the case may be, is of the opinion that any person mentioned in paragraph 1 has acquired any property or assets by unlawful or improper means or by means of bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration, wilful misapplication or diversion of public money or by abuse of whatever kind of official power or position, the Chief Martial Law Administrator may direct such action to be taken against such person, as the Chief Martial Law Administrator may deem fit.

3. A person who, being required to submit to the Chief Martial Law Administrator or a Martial Law Administrator, as the case may be, a statement of his properties and assets, fails to submit statement or knowingly submits a false or incorrect statement shall be punishable with rigorous imprisonment for a term which may extend to seven years and/or fine and/or forfeiture of the whole or part of his properties and assets.

4.—(1) Save as otherwise provided in paragraph 5 a person who sells, transfers or otherwise disposes of any of the properties and assets in respect of which he is required to submit a statement under this Regulation shall be punishable with rigorous imprisonment for a term which may extend to seven years and/or fine and/or forfeiture of the whole or part of his properties and assets.

(2) Nothing in this paragraph shall apply to the operation of any bank account by a person for meeting his *bona fide* requirements or to the sale, transfer, disposal of his property which he is required to do under any law or to meet any lawful obligation or in pursuance of any direction or order of a Court of other lawful authority.

<sup>1</sup>[4A. Notwithstanding anything contained in this Martial Law Regulation the Chief Martial Law Administrator or as the case may be a Martial Law Administrator may in writing grant permission to a person to sell, transfer or otherwise dispose of any of the properties and assets in respect of which he is required to submit a statement under this Regulation, if the Chief Martial Law Administrator or as the case may be a Martial Law Administrator, after such inquiry as he deems fit, is satisfied that granting of such permission is necessary in the interest of justice and fairplay and it is not liable to defeat the purposes of this Regulation in any manner whatsoever :

Provided that the permission granted under this paragraph may be withdrawn at any time on any ground by the Chief Martial Law Administrator or as the case may be, by the Martial Law Administrator concerned].

5.—(1) A person who owns, or has in possession or under his control directly or indirectly, either in his own name or in the name of any other person, any property or assets which he has reason to believe have been acquired by unlawful or improper means or by means of bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration, wilful mis-application or diversion of public money or by abuse of whatever kind of official power or position, shall surrender such properties and assets in favour of the Federal Government, in such manner, to such person and within such time as the Chief Martial Law Administrator may by order, specify.

(2) Subject to the provision of paragraph 9, no action of any kind shall be taken against a person who surrenders the properties and assets he is required to surrender under sub-paragraph (1), except the forfeiture of such properties and assets.

6. A person who owns, or has in his possession or under his control, any properties and assets which he is required to surrender under paragraph 5 but fails to so surrender shall be punishable with rigorous imprisonment for a term which may extend to fourteen years and/or fine and/or forfeiture of the whole or part of his properties and assets.

7. No Court or Tribunal, including a Military Court, shall take cognizance of an offence under paragraphs 3, 4 and 6 of this Regulation unless the Chief Martial Law Administrator has recommended punitive action against the accused.

8.—(1) All departments of the Government and of Corporations or Institutions including autonomous or semi-autonomous Bodies or Associations controlled by the Government or in which the Government has any interest, which are concerned with the allotment of rural or urban land, the issuance of Contracts, Import/Export licences, Route Permits or allotment of Depots or Agencies and selling or purchase of Shares and Stocks, shall within a period of fifteen days from the commencement of this Regulation, submit to the Chief Martial Law Administrator or the Martial Law Administrator concerned, full particulars of the properties mentioned in this paragraph which have been issued, allotted, granted, purchased or sold to persons, mentioned in sub-paragraph (1) of paragraph I between December, 1970 and July, 1977.

(2) The department concerned may obtain the list of the persons mentioned in sub-paragraph (1) of paragraph I from the Secretary,

1. Inst. by C.M.L.A. Regulation No. 37, dated 25-6-78.

National Assembly or Secretary, Senate, or Secretary of the Provincial Assembly concerned, as the case may be.

9. Notwithstanding anything contained in any law for the time being in force, a person who is required to submit a statement of properties and assets under this Regulation, shall be disqualified from being elected or chosen as, and from being a member of Parliament or of a Provincial Assembly, if the properties and assets acquired by him during the period he remained as a member of Parliament or of a Provincial Assembly, are found by the Chief Martial Law Administrator to be disproportionate to his known sources of income, and the Election Commission shall be informed accordingly :

Provided that if, before the elections are held, a candidate of a political party from any constituency is disqualified under the provision of this paragraph, all parties shall be entitled to nominate fresh candidates for that Constituency and election in that Constituency may be held on such later date as the Election Commission may notify in this behalf :

Provided further that, if the person disqualified as aforesaid is an independent candidate, election in the Constituency concerned shall not be postponed unless there is no other contesting candidate in that Constituency.

**THE SCHEDULE**

(See Paragraph 1)

**DECLARATION OF ASSETS**

I \_\_\_\_\_ S/O \_\_\_\_\_  
 resident of \_\_\_\_\_ ex-Senator/MNA/MPA from Constituency No. \_\_\_\_\_  
 hereby declare that no immovable property or movable property, mentioned in paragraph 1 of Martial Law Regulation No. 21 is held  
 by me or my dependents, except as stated below :—

**PART I**

**Properties and assets held at the time of becoming a member of Parliament or of a Provincial Assembly**

Name	In whose name held	District in which the immovable property is situated	Particulars of movable property	Particulars of pearls, precious stones, jewellery etc.	Extent of interest in property	Approximate value of property	How acquired whether by purchase, gift or by inheritance	Remarks
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**PART II**

**Properties and assets held at the time of ceasing to be a member of Parliament or of a Provincial Assembly.**

Name	In whose name held	District in which the immovable property is situated	Particulars of movable property	Particulars of pearls, precious stones, jewellery etc.	Extent of interest in property	Approximate value of property	How acquired whether by purchase, gift or by inheritance	Remarks
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Signature \_\_\_\_\_

Address \_\_\_\_\_

## No. 22

[Cancelled by C.M.L.A. Regulation No. 22, dated 23rd August 1978]

[4th September, 1977]

Subject to the provisions of paragraphs 2, 3 and 4 for the purposes of elections to be held in the country under the provisions of the House of Parliament and Provincial Assemblies (Elections) Order, 1977, President (Post Proclamation) Order No. 5 of 1977, *bona fide* political activity, within the limits of decency, morality and good order shall be allowed with effect from the date notified in this behalf by the Chief Martial Law Administrator, and may continue until 48 hours before the day on which elections are held.

*Explanation.*—'Political Activity' shall include organising any political party or canvassing or campaigning in public or in private in respect thereof or propagating the cause of any political party or holding meetings, but does not include taking out of processions of political nature.

2. No person shall hold a political meeting without intimating the time and place of such meeting to the Martial Law Administrator concerned or any person authorised by him in this behalf, twenty-four hours before holding such meeting.

3. The Martial Law Administrator concerned or the person authorised by him in this behalf, may disallow a political meeting if he is of the opinion that the time and place of such meeting is likely to prejudice public peace, and may, in consultation with the person desiring to hold such meeting fix such other time and place for the meeting as he may deem fit.

4.—(1) No political meeting shall be held within the limits of any Cantonment without the prior permission of and at a place other than the place specified for this purpose by the Martial Law Administrator concerned, or by the person authorised by him.

(2) No political party shall have its office or branch office in any Cantonment with effect from the day following the day on which Eid-ul-Fitr, 1977 is celebrated.

5. Martial Law Regulation No. II shall stand repealed with effect from the date on which political activity is allowed under provisions of paragraph 1 of this Regulation for which announcement will be made by Chief Martial Law Administrator's Secretariat.

6. Contravention of this Regulation shall be punished.

Maximum punishment Rigorous Imprisonment for five years and/or whipping upto 15 stripes and/or fine.

## No. 23

[19th September, 1977]

(1) All kinds of activity, except strikes and lockouts, relating or pertaining to or connected with trade unions, labour associations or any other body of similar nature is allowed with effect from the day following Eid-ul-Fitr, 1977.

(2) If during the course of such activity as mentioned in paragraph (1), any person commits violence or an act in any manner repugnant to good order, morality and decency, shall be punished:

Maximum punishment 3 years Rigorous Imprisonment and/or whipping not exceeding 10 stripes.

(3) Martial Law Regulation No. 12 is hereby repealed.

#### No. 24

[Cancelled C.M.L.A. Regulation No. 39, dated 23rd August, 1978]

[1st October 1977]

This Regulation shall come into force at once.

2. Notwithstanding anything contained in any Martial Law Regulation, Martial Law Order or in any other law for the time being in force, no one shall, subject to paragraphs 3 and 4, participate in any political activity in any manner whatsoever directly or indirectly.

*Explanation.*—Political activity shall include organizing any Political Party, canvassing and campaigning in public or in private in respect thereof, providing financial or other assistance to any political party or propagating the cause of any political party or any politician or any candidate to the forthcoming General Elections by words, either spoken or written, or by signs, or by visible representation or in any other manner whatsoever, but shall not include *bona fide* activity, connected exclusively with Trade Unions, Labour Associations or any other body of similar nature, within the limits prescribed under Martial Law Regulation No. 23.

3. A political party may, if it so desire, hold close-door meetings of its Central or Provincial Executive Committee in any place other than a building or structure or enclosure of any kind used or intended to be used or connected in any manner with any education institution or used as place of worship by public.

4. Any person may hold a Press Conference, or give an interview to the Press or make a Press Statement :

Provided that no one, while holding a Press Conference or giving a Press Interview or making a Press Statement as aforesaid, shall make any comment or remark repugnant to decency, morality, good order or the ideology of Pakistan or which is intended or is likely to cause hatred or dis-affection towards the Government established under Martial Law or any political party or section or groups of people.

Maximum punishment 5 years, Rigorous Imprisonment, fine and/or whipping not exceeding 15 stripes.

#### No. 25

[14th October, 1977]

1. This Regulation shall come into force at once and shall have effect notwithstanding anything contained in any law for the time being in force or in any Bye-laws, Rules, Deed of Trust, Partnership Deed, Contract, Agreement of any Trust, Society, Association or Body or any Sports, Medical or Social Welfare Organization or Institution or in the Memorandum or Articles of Association of any Company, in which the Government has any share or any direct or indirect financial interest or to which the Government has made any financial grant.

<sup>1</sup>[*Explanation*.—For the purposes of this Regulation,—

- (a) a Bar Association or a Bar Council shall not be deemed to be an Association, Organization, Institution or Body to which the Government has made any financial grant ; and
- (b) Government shall not be deemed to have any share or any direct or indirect financial interest in any Trust, Society, Association, Body, Company, Organization or Institution by reason only of the fact that the State Bank of Pakistan, any nationalized bank, the Industrial Development Bank of Pakistan, the Pakistan Industrial Credit and Investment Corporation, the Investment Corporation of Pakistan, the Agricultural Development Bank of Pakistan or any other financing institution set up or controlled by Government has, in the ordinary course of its business, advanced money to, or holds any share or interest in, such Trust, Society, Association, Body, Company, Organization or Institution.]

2. No person, who has participated <sup>2</sup>[after 20th December, 1971] or is participating in any political activity in any manner whatsoever, either as a member of a political party or otherwise or is contesting elections, or is a candidate for election to any of the Houses of Parliament or a Provincial Assembly, shall hold any office, whether honorary or otherwise, in any Trust, Company, Society, Association, Organization or Institution, private or public, in which the Government has any share or any direct or indirect financial interest or to which the Government has made any financial grant.

3. Whoever is holding an office in contravention of paragraph 2 shall cease to hold that office forthwith and shall, within seven days of the commencement of this Regulation, hand over to such person or body of persons as may be authorised by the Chief Martial Law Administrator in this behalf, all properties, including documents, accounts, moneys or any other thing which belongs to the said Trust, Company, Society, Association, Organization or Institution which is or is deemed to be in his custody or possession directly or indirectly.

4. A person who is not disqualified under paragraph 2 and who is the immediate subordinate to a person who ceases to hold office in pursuance of paragraph 3, shall, for the time being, perform the functions and duties of the person so ceasing to hold office, until a person or body of persons is appointed for this purpose under the said paragraph 3.

<sup>3</sup>[4A. The Chief Martial Law Administrator or a Martial Law Administrator may by an order, in writing, direct that, subject to such conditions as he may deem fit, the provisions of this Regulation shall not apply in respect of any person, Trust, Society, Association, Body, Organization, Institution or Company specified in the Order].

5. Contravention of this Regulation shall be punishable.

6. Maximum punishment—Rigorous Imprisonment for three years and/or fine.

1. *Explanation* added and shall be deemed to have taken effect from 16-10-77, by M.L.R. No. 26, para a, dated 25-10-77.

2. *Ins. ibid.*, para 1.

3. *Ins.* and shall be deemed to have taken effect from 16-10-77, by M.L.R. No. 26, para c, dated 25-10-77.



## No. 26

[25th October, 1977]

1. Amendment of Martial Law Regulation No. 25 issued by the Chief Martial Law Administrator. The following amendments shall be made in Martial Law Regulation No. 25, namely :—

- (a) In paragraph 1, the following explanation shall be added at the end, namely :—

“Explanation.—For the purposes of this Regulation,—

- (a) a Bar Association or a Bar Council shall not be deemed to be an Association, Organization, Institution or Body to which the Government has made any financial grant ; and
- (b) Government shall not be deemed to have any share or any direct or indirect financial interest in any Trust, Society, Association, Body, Company, Organization or Institution by reason only of the fact that the State Bank of Pakistan, any nationalized bank, the Industrial Development Bank of Pakistan, the Pakistan Industrial Credit and Investment Corporation, the Investment Corporation of Pakistan, the Agricultural Development Bank of Pakistan or any other financing institution set up or controlled by Government has, in the ordinary course of its business, advanced money to, or holds any share or interest in, such Trust, Society, Association, Body, Company, Organization or Institution.”; and
- (b) In paragraph 2 after the words “has participated” the words and figures “after 20th December, 1971” shall be inserted.
- (c) After paragraph 4, the following new paragraph shall be inserted, namely :—

“4A. The Chief Martial Law Administrator or a Martial Law Administrator may by an order, in writing, direct that, subject to such conditions as he may deem fit, the provisions of this Regulation shall not apply in respect of any person, Trust, Society, Association, Body, Organization, Institution or Company specified in the Order.”

2. This amendment shall come into force at once and shall be deemed to have taken effect on the sixteenth day of October, 1977.

## No. 27

[29th October, 1977]

1. Whoever purchases seed cotton, commonly known as *Phutti*, shall not pay its price at a rate lower than which has been or is fixed by the Controller-General of Prices and Supplies by notification in the official Gazette :

Provided that a purchaser of seed cotton, other than a cotton ginner, may, while paying the price, deduct therefrom reasonable transportation and other incidental expenses, including commission, at a rate not exceeding two rupees per maund.

2. No cotton ginner shall —

- (1) unless he has already purchased the maximum quantity of

seed cotton which may have purchased in any one season during the last 5 years refuse to purchase seed cotton when it is tendered by a grower at the factory gate ;

- (2) while paying the price of seed cotton to a grower, knowingly omit to recover the loan advanced to that grower by the Cotton Trading Corporation or to deposit the same with the said Corporation without delay together with accounts maintained by him in this behalf ;

*Exception.*—The provision of this sub-paragraph shall not apply to a grower who has repaid the loan directly to the said Corporation and holds a receipt to this effect ;

- (3) sell or offer to sell lint cotton to a Textile Mill at a rate and price higher than which has been or is fixed by the Controller General of Prices and Supplies by notification in the official Gazette.

3. No grower of seed cotton shall refuse or avoid, on any ground whatsoever, the payment of loan advanced to him by the Cotton Trading Corporation to the said Corporation directly or through a ginner.

4. No Textile Mill shall purchase lint cotton from a ginner at a rate and price other than which has been or is fixed by the Controller General of Prices and Supplies by notification in the official Gazette.

5. Whoever contravenes, or attempts or abets the contravention of any provision of this Regulation shall be punishable.

Maximum punishment three years' Rigorous Imprisonment and/or fine.

#### No. 28

[Cancelled by C.M.L.A.'s Regulation No. 32, dated 28th February, 1978]

[11th November, 1977]

1.—(1) This Regulation shall come into force at once and shall be deemed to have taken effect on the first day of October, 1977.

(2) It shall have effect notwithstanding anything contained in any other law for the time being in force, except Martial Law Regulation No. 23.

2. No person shall take any steps for holding elections to any organisation or association of students or to any professional body or association, and any steps so taken, and any election held, at any time after the commencement of this Regulation, shall be void and of no effect.

3. Whoever violates any provision of this Regulation after the tenth day of November, 1977, shall be punished.

Maximum punishment three years' Rigorous Imprisonment and/or whipping upto ten stripes.

#### No. 29

[25th January 1978]

1. This Martial Law Regulation shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977.

2. Whoever commits or attempts to commit or conspires to commit the offence of hijacking or abets the commission thereof, shall be

punished with death or such lesser punishment or combination of punishments as are provided for in Martial Law Order No. 5.

*Explanation.*—The expression “hijacking” shall mean taking over the control of any aircraft on ground or in the air by use of force or show of force or threat to use force or threat to cause injury or by causing injury to the aircraft or any passenger or any member of the crew of the aircraft or any person connected with the security or maintenance of the aircraft on ground or in the air.

#### No. 30

[17th February, 1978]

1. This Martial Law Regulation shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977.

2. No one shall—

- (a) adulterate or mix with any unauthorised substance, in any manner whatsoever, any type of fuel, gas or lubricant which is used or is meant for use or is likely to be used in any type of engine or machine whether static or otherwise including an automobile, or an aircraft or a rocket, or so adulterate or mix any furnace oil with any unauthorised substance ;
- (b) sell or offer or expose for sale any type of adulterated or mixed fuel, gas, lubricant or furnace oil as mentioned in sub-paragraph (a) ;

*Explanation.*—(1) For the purpose of this Regulation the expression “adulterate or mix”, shall mean to add in any manner whatsoever, any unauthorised substance in any fuel, gas, lubricant or furnace oil in contravention to any Order, Rule, or Regulation, for the time being in force which the offender knows or has reasons to believe that such addition may render such fuel, gas, lubricant or furnace oil unfit or likely to be unfit for use in an engine, machine, automobile, aircraft, rocket or a furnace for which it is meant or is intended to be used or likely to be so used or lessens or is likely to lessen the efficiency, octane value, viscosity or other qualities of such fuel, gas, lubricant or furnace oil.

2. Reconditioning or reclaiming any type of lubricant by any process shall for the purpose of this Regulation, mean to adulterate a lubricant.
3. No one shall in any manner abet or attempt to commit an offence under this Regulation.
4. Contravention of this Regulation shall be punishable with Rigorous Imprisonment for a term which may extend to 14 years or with fine or with any combination of punishments as are provided for in Martial Law Order No. 5 and confiscation of adulterated property and the transport used for carrying or containing such property.

#### No. 31

[27th February, 1978]

1. This Martial Law Regulation shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977.

2. A Martial Law Authority may, by notification published in the official Gazette and in such other manner as may be considered suitable to make it widely known—

- (1) declare any person who being required by such authority or an Inquiry Officer or a Commission of Inquiry, under the provisions of any Martial Law Order or Regulation, for the purpose of any investigation, inquiry or any other proceeding, fails to so report at the required time and place or with the intention of avoiding to so report, goes and stays abroad or hides himself at any place within Pakistan, to be an absconder ;
- (2) direct the said person to appear before such authority, Inquiry Officer or Commission of Inquiry within such period as may be specified in the notification or in the case of person staying abroad on the date of publication of such notification within a reasonable period from such date.

3. Whoever, being directed by a notification under paragraph 2 to appear before a Martial Law Authority, Inquiry Officer, or a Commission of Inquiry fails to so appear without showing reasonable cause to the satisfaction of such Authority, Inquiry Officer or a Commission of Inquiry, shall be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine and confiscation of such of his immovable and movable property as the Court may decide.

4. A person may be tried *in absentia* for an offence under this Martial Law Regulation.

5. Notwithstanding anything contained in any other law for the time being in force, the transfer in any manner of any property belonging to the person declared to be absconder under paragraph 2 or the creation of any right or interest in his such property on or after the publication of the notification under the said paragraph shall be void :

Provided that the provisions of this paragraph shall not apply in case the absconder has been tried in absentia by a Military Court and his property has been confiscated under the order of that Court.

6. The provisions of this Martial Law Regulation or any order passed or anything done thereunder, shall not be called in question by or before any Court including the Supreme Court and a High Court or any Tribunal or any other authority.

#### No. 32

[28th February 1978]

1. Martial Law Regulation No. 28 is hereby cancelled.
2. The cancellation of the said regulation shall not affect the previous operation thereof, and anything done, action taken, obligation, liability, penalty or punishment incurred, or proceedings commenced shall be deemed to have been properly and validly done, taken, incurred or commenced, as the case may be.

#### No. 33

[28th February 1978]

1. This Martial Law Regulation shall come into force at once.
2. In this Martial Law Regulation unless there is anything repugnant in the subject or context "political activity" shall include—
  - (a) organising any political party, canvassing or campaigning ni

public or in private or propagating the cause of any political party or any politician by words, either spoken or written, or by signs, or by visible representation or in any other manner or means or at any place whatsoever ;

- (b) violating the sanctity of a shrine or a Mazar or any other place of worship by indulging or participating in any activity which is in furtherance of any political end or which tantamounts to propagating the cause of any political party or any politician ;
- (c) providing financial or any other assistance or help to any political party or a politician for any political purpose ;
- (d) arranging, attending or joining any procession of political nature.

*Explanation.*—A religious or funeral procession shall be deemed to be a procession of political nature if in such procession any speech or remark of political nature is made or such slogan is raised or any flag, poster or placard of political nature is displayed ;

- (e) making, printing, producing, publishing or distributing directly or indirectly any matter which is connected with or pertains to furthering the cause of any political party, politician or a candidate to elections or is intended or is likely to cause sensation or misunderstanding amongst the people or which is prejudicial to the precepts of Islam or the Ideology or integrity or security of Pakistan or public peace or the national interest or which tends or is likely to cause disaffection towards the Martial Law Administration or any Martial Law Authority or which is likely to cause annoyance to any person, community, race, caste, sect, tribe or to the religious sentiments of any person or body ;
- (f) arranging or holding any reception for any politician or for an office-bearer of any political party or inviting such person to a party of any other kind or attending or participating in such reception or party in case it is arranged, held or given for a political purpose or in furtherance of the cause of a political party or a politician ;
- (g) inviting or allowing any politician or any office-bearer of a political party to attend or address any meeting or function of the Bar Council or a Bar Association or any politician or any office-bearer of a political party attending such meeting or function ;
- (h) uttering any words or making any remark during the course of a speech, address or answers in reply to questions at any meeting or function of the Bar Council or a Bar Association or passing any resolution which is in furtherance of any political end or which tantamounts to propagating the cause of a political party or a politician or which is intended or is likely to bring into hatred or contempt or to excite disaffection towards Martial Law Administration or any Martial Law Authority or to cause or promote feelings of enmity or hatred between people of different regions, communities, races, castes, sects, tribes or between

people professing different religions or to cause fear or alarm to the public or to any section of public in any manner whatsoever or which is prejudicial to public peace and tranquillity or to the precepts of Islam or the ideology of Pakistan or integrity or the security of Pakistan ;

*Exception.*—It is not included in Political activity to indulge or participate in *bona fide* activity, connected exclusively with trade unions, labour associations, student unions, Bar Council or Bar Associations or any other body of similar nature and which is not otherwise repugnant to any provision of law for the time being in force.

<sup>1</sup>[3. (1) Notwithstanding anything contained in any Martial Law Regulation, Martial Law Order or in any other law for the time being in force no person or a political party shall participate in political activity except to the extent as provided for in sub-paras (2) and (3) :

<sup>2</sup>[(2) A political party may hold closed door meetings of the members of its executive committees.

(3) An office-bearer of a political party may hold closed-door Press conferences or give closed-door interviews to the Press.

*“Explanation :—*A meeting or a Press conference or an interview shall be deemed to be closed-door only if :—

(a) It is held in a building other than a temporary structure or enclosure or a building used or intended to be used or connected in any manner with any educational institution, places of public entertainment, worship or of religious sanctity.

(b) It is not open to the public in general :

(c) No loud-speaker or any other similar appliance is used during the course of such meeting, conference or interview.]

(4) A member of a political party may individually approach any other person for the purpose of enlisting such person in party rolls and may canvass in respect thereof <sup>1</sup>[until the thirty-first day of March, 1978].

4. Whoever contravenes any of the provisions of this Martial Law Regulation, shall be punished with rigorous imprisonment for a term which may extend to seven years and/or fine and/or whipping upto 20 stripes.

<sup>1</sup>[5. (1) Martial Law Regulations Nos, 11, 19, 22, 24 and 35 are hereby cancelled.

(2) The cancellation of the Regulations under sub-paragraph (1) shall not affect the previous operation thereof, and anything done, action taken, obligation, liability, penalty or punishment incurred or proceedings commenced shall be deemed to have been properly and validly done, taken, incurred or commenced, as the case may be].

1. Articles 3 and 5 added by C.M.L.A. Regulation No. 39, dated 23rd August, 1978.

2. Subs. by Martial Law Regulation No. 40, dated 14th September, 1978.

## No. 34

[14th March, 1978]

Whoever—

- (1) takes or entices any minor under 14 years of age if a male, or under 16 years of age, if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or any person of unsound mind, without the consent of such guardian or any person lawfully entrusted with the care or custody of such minor or such person of unsound mind, or conveys such minor or person of unsound mind beyond the limits of Pakistan without the consent of the lawful guardian or any person lawfully entrusted with the care or custody of such minor or such person of unsound mind; or
- (2) by force compels, or by any deceitful means entices any person to go from any place or manages so to take away any person and keeps him in wrongful confinement with intention to extort ransom from the guardian, heirs, dependents or any other person for releasing that person from the wrongful confinement.

*Explanation.*—Ransom includes money, property or any other valuable thing or security or any other wrongful gain or favour;

- (3) commits rape as defined in section 375 of the Pakistan Penal Code; or
- (4) voluntarily has carnal intercourse against the order of nature with a minor of the age as mentioned in sub-paragraph (1);

shall be punished with death or imprisonment for life and shall also be liable to fine and stripes.

## No. 35

[Cancelled by C.M.L.A. Regulation No. 39, dated 23rd August, 1978]

[29th March, 1978]

In Martial Law Regulation No. 33, in paragraph 3, the words, “until the thirty-first day of March, 1978” shall be omitted and shall be deemed to have always been so omitted.

## No. 36

[9th May, 1978]

1. Whoever abets the commission of an offence punishable with death or imprisonment for life shall if that offence be not committed in consequence of the abetment and no express provision is made by any Martial Law Regulation or Order or any other law for the time being in force, be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine and/or whipping.
2. Whoever attempts to commit an offence punishable with death or imprisonment for life and in such attempt does any act towards the commission of the offence shall, if no express provision is made by any Martial Law Regulation or Order or any other law for the time being in force, be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine and/or whipping.
3. Whoever abets the commission of an offence punishable with rigorous imprisonment shall, if that offence be not committed in conse-

quence of the abetment and no express provision is made by any Martial Law Regulation or Order or any other law for the time being in force for the punishment of such abetment, be punished with rigorous imprisonment for a term which may extend to one-third part of the longest term provided for that offence, or with such fine as is provided for that offence or with both and/or whipping.

4. Whoever attempts to commit an offence punishable with rigorous imprisonment and in such attempt does any act towards the commission of the offence shall, if no express provision is made by any Martial Law Regulation or Order or any other law for the time being in force for the punishment of such attempt, be punished with rigorous imprisonment for a term which may extend to one-third part of the longest term provided for that offence, or with such fine as is provided for that offence or with both and/or whipping.

5. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment and no express provision is made by any Martial Law Regulation or Order or any other law for the time being in force for the punishment of such abetment, be punished with the punishment provided for the offence.

*Explanation I.*—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

*Explanation II.*—When an act is abetted and a different act is done, the abettor shall be liable for the act done, in the same manner and to the same extent as if he had abetted it provided the act done was a probable consequence of the abetment.

6. Martial Law Regulation No. 2 is hereby cancelled.

#### No. 37

[25th June, 1978]

1. This Martial Law Regulation shall come into force at once.
2. In Martial Law Regulation No. 21, after paragraph 4, the following new paragraph shall be inserted, namely :—

“4A. Notwithstanding anything contained in this Martial Law Regulation the Chief Martial Law Administrator or as the case may be a Martial Law Administrator may in writing grant permission to a person to sell, transfer or otherwise dispose of any of the properties and assets in respect of which he is required to submit a statement under this Regulation, if the Chief Martial Law Administrator or as the case may be a Martial Law Administrator, after such inquiry as he deems fit, is satisfied that granting of such permission is necessary in the interest of justice and fairplay and it is not liable to defeat the purposes of this Regulation in any manner whatsoever ;

Provided that the permission granted under this paragraph may be withdrawn at any time on any ground by the Chief Martial Law Administrator or as the case may be, by the Martial Law Administrator concerned.”



## No. 38

[20th July, 1978]

In Martial Law Regulation No. 6, for the words "and/or Rigorous Imprisonment for five years", the words "or such less punishment as in Martial Law Order No. 5", shall be substituted and shall be deemed always to have been so substituted.

## No. 39

[23rd August, 1978]

1. In Martial Law Regulation No. 33 hereinafter referred to as the said Regulation, for paragraph 3 the following shall be substituted namely :—

- "3. (1) Notwithstanding anything contained in any Martial Law Regulation, Martial Law Order or in any other law for the time being in force no person or a political party shall participate in political activity except to the extent as provided for in sub-paras (2) and (3) ;
- (2) A political party may hold close door meetings of its executive committees or otherwise in any place other than a building, structure or enclosure of any kind used or intended to be used or connected in any manner with any Educational Institution, places of public entertainment, worship or religious sanctity.
- (3) An office-bearer of a political party may hold close door Press conferences or give interviews to the Press within the limits prescribed in sub-paragraph (2).
- (4) A member of a political party may individually approach any other person for the purpose of enlisting such person in party rolls and may canvass in respect thereof."

2. In the said Regulation after paragraph 4, the following new paragraph shall be added, namely :—

- "5 (1) Martial Law Regulations Nos. 11, 19, 22, 24 and 35 are hereby cancelled.
- (2) The cancellation of the Regulations under sub-paragraph (1) shall not affect the previous operation thereof, and anything done, action taken, obligation, liability, penalty or punishment incurred or proceedings commenced shall be deemed to have been properly and validly done, taken, incurred or commenced as the case may be.

## No. 40

[14th September, 1978]

1. In Martial Law Regulation No. 33, hereinafter referred to as the said Regulation, in paragraph 3 for sub-paragraph (2) the following shall be substituted, namely :—

- "(2) A political party may hold closed door meetings of the members of its executive committees."

2. In the said Regulation in paragraph 3 for sub-paragraph (3) the following shall be substituted :—

- "(3) An office-bearer of a political party may hold closed door Press Conferences or give closed-door interviews to the Press."

3. In the said Regulation in paragraph 3 after sub-paragraph (3) the following explanation shall be inserted namely :—

*Explanation.*—A meeting or a Press Conference or an interview shall be deemed to be closed door only if :—

- (a) It is held in a building other than a temporary structure or enclosure or a building used or intended to be used or connected in any manner with any educational institution, places of public entertainment, worship or of religious sanctity.
- (b) It is not open to the public in general.
- (c) No loud-speaker or any other similar appliance is used during the course of such meeting, conference or interview.

**MARTIAL LAW ORDERS**  
**BY CHIEF MARTIAL LAW ADMINISTRATOR**

No. 3

[5th July, 1977]

1. The whole of Pakistan will be considered as the Martial Law Area.

(a) The Martial Law Area will be divided into the following five Zones :—

(i) Zone A—Province of the Punjab.

(ii) Zone B—<sup>1</sup>[Province of North-West Frontier and the Federally Administered Tribal Areas].

(iii) Zone C—Province of Sind.

(iv) Zone D—Province of Baluchistan.

(v) Zone E—Northern Areas.

(b) The following Commanders of Armed Forces of Pakistan are hereby appointed as Martial Law Administrators :—

(i) Zone A—Lt.-Gen. <sup>2</sup>[Sawar Khan] Commander 4 Corps.

(ii) Zone B—Lt.-Gen. <sup>3</sup>[Fazle Haq] Commander II Corps.

(iii) Zone C—Lt.-Gen. <sup>4</sup>[Sadiq ul Rashid Mohd. Abbasi] Commander 5 Corps.

(iv) Zone D—Lt.-Gen. <sup>5</sup>[Rahim-ud-Din Khan] Commander 2 Corps.

(v) Zone E—Maj-Gen. <sup>6</sup>[Muhammad Aslam Khan] Commander FCNA.

(c) The Chief Martial Law Administrator may, from time to time, make and issue such Martial Law Regulations and Orders as he may deem fit.

(d) A Martial Law Administrator may, for the Zone concerned, from time to time, make and issue such Martial Law Orders as he may deem fit.

1. Subs. by C.M.L.A.O. No. 42 dated 20th March, 1978.

2. Subs. by C.M.L.A.O. No. 32 dated 25th January, 1978 for the words "Mohd. Iqbal Khan."

3. Subs. and shall be deemed to have been so subs. w. e. f. 12th January, 1968, by M.L.O. No. 30, dated the 12th January, 1978.

4. For the words "Jahan Zeb Arbab" the words "Muhammad Iqbal Khan" have been substituted by C.M.L.A.O. No. 35 dated 15th February, 1978 which have been further substituted by the words "Sadiq-ul-Rashid Muhammad Abbasi" by C.M.L.A.O. No. 49 w.e.f. 15th July, 1978.

5. For the words "Abdullah Saeed" the words "Ghulam Muhammad" have been subs. by C.M.L.A.O. No. 34 w. e. f. 25th January 1978 which have further been subs. by the words "Lt.-Gen. Rahim-ud-Din Khan, Commander 2 Corps by C.M.L.A.O. No. 48 w. e. f. 30th June, 1978.

6. For the words "C.A. Majid" the words "Nishat Ahmad" have been substituted by C.M.L.A.O. No. 34 which have been further substituted by the words "Muhammad Aslam Khan" by C.M.L.A.O. No. 51 w. e. f. 28th July, 1978.

- (e) A Martial Law Administrator may, from amongst the officers of the Armed Forces of Pakistan, appoint such number of Deputy Martial Law Administrators and Sub-Martial Law Administrators as he deems fit.
- (f) When a Martial Law Administrator by reason of absence from Pakistan or any other cause, is unable to perform his functions the Chief Martial Law Administrator may appoint any other officer of the Armed Forces of Pakistan as Acting Martial Law Administrator of the Zone concerned, and the Acting Martial Law Administrator so appointed shall perform all the functions of a Martial Law Administrator until the Martial Law Administrator concerned returns to Pakistan or, as the case may be, resumes his functions.

## No. 4

[5th July, 1977]

1. **Military Courts.**—Military Courts of criminal jurisdiction shall be of the following classes :—

- (a) Special Military Courts.
- (b) Summary Military Courts.

2. (1) A Military Court shall have power and jurisdiction to try and punish any person for an offence under any of the Martial Law Regulations or Orders or under any other law for the time being in force.

(2) A Military Court may, for purpose of sub-paragraph (1) take cognizance of an offence :—

- (a) Upon receiving a complaint of facts which constitute such offence.
- (b) Upon a report in writing of such facts made by any police officer or any Officer of the Armed Forces.
- (c) Upon information received from any person other than a Police Officer or an Officer of the Armed Forces, or upon its own knowledge or suspicion that such offence has been committed.

3.—(1) A Martial Law Administrator of a Zone, if he is of the opinion that it is necessary for maintenance of law and order of public tranquillity or for expeditious disposal of any case in public interest, may, within the Zone concerned, order that any case pending before an ordinary criminal court be transferred to a Military Court and dealt with as provided for in sub-paragraph (1) of paragraph 2 and on the making of an order under this paragraph such case shall stand so transferred forthwith :

Provided that the Military Court to which a case is transferred under this paragraph, shall not be bound to recall and rehear any witness who has already given any evidence and may act on the evidence given or produced before the Criminal Court from which such case is so transferred.

(2) The provisions of this paragraph shall be in addition to and not in derogation of the provisions of paragraph 2].

4. **Special Military Courts.**—A Martial Law Administrator may convene such number of Special Military Courts in a Zone as he deems

fit, for trial of offences under Martial Law Regulations, or contravention of Martial Law Orders or offences under any other law for the time being in force.

5. A Special Military Court shall be convened and constituted in the same manner, and shall exercise the same powers and follow the same procedure as that of a Field General Court Martial convened and constituted under the Pakistan Army Act, 1952 and the provisions of that Act and Rules made thereunder shall apply to and govern all such proceedings ; Provided that :—

- (a) Any person exercising the powers of a Magistrate of the first class or of a Sessions Judge may be appointed a member of the Court ;
- (b) The Court may pass any sentence authorised by law or by these Regulations ;
- (c) All sentences of death and amputation of hand shall be confirmed by the Chief Martial Law Administrator.
- (d) Recording of a summary of evidence, if deemed necessary, may be dispensed with in a case and in lieu thereof an abstract of evidence may be recorded.
- (e) It shall not be necessary that the prosecutor be a person subject to the Pakistan Army Act, 1952. Any officer of the Armed Forces of Pakistan, or of Police Force or a public prosecutor or a lawyer may be appointed as a prosecutor.

<sup>1</sup>[5A. Notwithstanding anything contained in the Pakistan Army Act, 1952, or the Rules made thereunder or in any other law for the time being in force, the Provisions of the said Act and the Rules shall, subject to such modifications or adaptations, if any, as the Chief Martial Law Administrator may specify, apply to the promulgation and execution of sentences passed by Military Courts and to the exercise of powers of pardon, commutation, remission and suspension of sentences by the competent Authorities under the said provisions].

6. **Summary Military Courts.**—A Martial Law Administrator may, by general or special order empower any officer of the Armed Forces of Pakistan to hold a Summary Military Court in the Zone concerned for trial of offences under Martial Law Regulations or offences under any other law for the time being in force or for contravention of Martial Law Orders.

7. A Summary Military Court shall exercise the same powers and follow the same procedure as a Summary Court Martial held under the Pakistan Army Act, 1952 and the provisions of that Act and Rules made thereunder shall apply to and govern all such proceedings : Provided that :—

- (a) Section 88 of the Pakistan Army Act which provides that the proceedings of a Summary Court Martial shall be attended by two officers or two Junior Commissioned Officers or one officer and one Junior Commissioned Officer shall not apply to the proceedings of a Summary Military Court.
- (b) The Court shall not be required to record more than a memorandum of the evidence or to frame formal charges..

1. Inserted by CMLA Order No. 44, dated 20th April 1978.

- 1[(c) The Court may award any of the punishments or combination thereof as prescribed under Martial Law Order No. 5, except that of death, amputation of hand, imprisonment for life rigorous imprisonment exceeding one year or whipping exceeding 15 stripes.]
- (d) The proceedings of Summary Military Court shall, without delay, be forwarded to the Martial Law Administrator of the Zone concerned for review.

2[Provided that a Martial Law Administrator of a Zone, if he deems necessary for expeditious disposal of cases, may direct a Deputy Martial Law Administrator, in his Zone to review and countersign the proceedings of Summary Military Courts.]

### No. 5

#### Punishments

[5th July, 1977]

1. Punishments shall be awarded according to the following scales :—

(a) Death.

*Explanation.*—The punishment of death shall be inflicted by hanging by the neck or in such other manner as directed by the court in a particular case.

(b) Amputation, from the wrist, of the left hand of a right handed person and *vice versa*. Provided that it shall not be awarded for any offence other than theft, dacoity or robbery.

*Explanation.*—The amputation shall be done by a qualified surgeon under local anaesthesia in public or in jail as directed by the court.

(c) Imprisonment for life.

(d) Rigorous Imprisonment for not more than 14 years.

(e) Whipping not more than 30 stripes in public or in jail as directed by the court : Provided that whipping shall not be inflicted on women of any age or men over 45 years or persons below the age of 18 years.

(f) *Fine.*—The amount is unlimited unless otherwise specified in a Martial Law Regulation.

(g) Forfeiture of movable and immovable property, either completely or in part : Provided that the sentence of forfeiture of movable property shall not apply to utensils and clothings and other items necessary for life.

*Explanation.*—Where any person is sentenced to have his property forfeited, that sentence shall apply to any property in which he has any interest whatever.

1. Substituted by C. M. L. A.'s Order No. 40, dated 26th February, 1978.

2. Added and shall be deemed always to have been so added by M.L.O. No. 16, dated 30-7-1977.

2. The following combinations of the above punishments shall be permissible :—

- (a) Death may be combined with fine and or with forfeiture of property, etc.
- (b) Imprisonment for life may be combined with whipping, fine and forfeiture of property.
- (c) Rigorous imprisonment may be combined with whipping and/or forfeiture of property, etc.
- (d) Amputation from the wrist of the hand shall not be combined with any other punishment.

*Explanation 1.*—Any Court imposing punishment (e), or punishment (a) or (c) or (d) with (f), may impose in default of payment of fine thus payable, imprisonment or additional imprisonment, for a specified term, and where such imprisonment or additional imprisonment has been duly undergone, the liability to pay the fine shall notwithstanding anything to the contrary contained in any law, be deemed to have been discharged.

*Explanation 2.*—At the end of each Regulation dealing with an offence, a penalty is mentioned for its infringement. This is the maximum penalty. Unless otherwise stated, any punishment of permissible combination of punishments no part of which is higher in the scale of punishment than the maximum penalty, may be awarded for that offence.

#### No. 6

[5th July, 1977]

1. Any Martial Law Authority, may by notification published in the official Gazette and in such manner as may be considered suitable to make it widely known :—

- (a) Declare any person, who, being required by such authority for the purpose of any investigation, inquiry or other proceedings connected with an offence under Martial Law Regulations to report to such authority at the time and place required by such authority, fails to so report, or with the intention of avoiding to so report, goes and stays abroad, to be an absconder, and
- (b) Direct such person to appear before such authority within such period as may be specified in the notification or, in the case of a person staying abroad on the date of publication of such notification within a reasonable period from such date.

2. Whoever, being directed by a notification under sub-paragraph (a) to appear before any Martial Law Authority fails to so appear without showing reasonable cause to the satisfaction of such authority shall be punished.

3. A person may be tried *in absentia* for contravention of this Martial Law Order.

#### No. 7

[5th July, 1977]

1. This Order shall come into force at once and be deemed to have taken effect on the 5th day of July, 1977.

2. A Martial Law Administrator or any person authorised by him in this behalf, may, for the purpose of ascertaining whether or not the provisions of any law, rule, regulation, instruction or order, for the time being in force, are being fully complied with or whether or not action on any matter is being taken in the public interest or within a reasonable time :—

(a) Require the person incharge of the Administration of any office of the Federal Government or a Provincial Government or a local authority or any corporation, institution or undertaking, whether incorporated in pursuance of a Federal or Provincial Law or not so incorporated which has been established by Government with the aid of public revenues, to furnish to him such accounts, books or other documents or information as he may consider necessary : and

(b) At any reasonable time :—

(1) Enter into any premises occupied or otherwise used by any such office ;

(2) Inspect any such premises and the accounts, books or other documents found therein ; and

(3) Require any person found therein whom he believes to be in possession of, or otherwise capable of furnishing, information relevant to his investigation to furnish to him such information as he may consider necessary.

3. Where the Martial Law Administrator or any person authorised in this behalf, is satisfied that in any matter the provisions of any law, rule, regulation, instruction or order, for the time being in force, are not being complied with, he may by order require the person responsible therefor to take immediate steps for such compliance and submit to the Martial Law Administrator concerned an explanation for the lapse on his part or any other person serving under him.

4. Any inspection done or any direction given consequent upon such inspection by a Martial Law Administrator before the making of this order, shall be deemed to have been done or given under this order, but no penal consequence shall accrue on the ground of contravention of any such direction.

5. Nothing contained in this order shall apply to any Court or Tribunal established under any law for the time being in force.

#### No. 8

[5th July, 1977]

All offenders sentenced under Martial Law Regulations to Rigorous Imprisonment will be treated as ordinary criminals irrespective of their status or position.

#### No. 9

[5th July, 1977]

In case of conflict between Martial Law Orders issued by the Chief Martial Law Administrator, and Martial Law Orders issued by Martial Law Administrators the former shall prevail.



## No. 10

[5th July, 1977]

- (a) If any question arises as to the interpretation of any Martial Law Regulation or a Martial Law Order, it shall be referred to the Martial Law Authority issuing the same for decision and the decision of such Martial Law Authority shall be final and shall not be questioned in any Court, Tribunal or other Authority, including the Supreme Court and a High Court.
- (b) If any question arises as to the correctness, legality or propriety of the exercise of any powers or jurisdiction by a Special Military Court or a Summary Military Court or a Martial Law Authority or any person deriving powers from a Martial Law Authority, it shall be referred to Chief Martial Law Administrator whose decision thereon shall be final and shall not be questioned in any Court, Tribunal or other Authority including the Supreme Court and a High Court.

*Explanation.*—"Martial Law Authority" means the Chief Martial Law Administrator and includes a Martial Law Administrator, a Deputy Martial Law Administrator, a Sub-Martial Law Administrator or any person designated as such by any one of them.

## No. 11

[16th July, 1977]

1. Amendment of Martial Law Order No. 3 issued by the Chief Martial Law Administrator.

The following amendment shall be made in Martial Law Order No. 3.

In paragraph 1, in sub-paragraph "b" for sub-paragraph (iv) the following shall be substituted, namely:—

"(iv) Zone D—Maj.-Gen. Abdullah Saeed."

2. This amendment shall come into force with effect from 16th July, 1977.

## No. 12

[20th July, 1977]

This Martial Law Order shall come into force at once and shall be deemed to have taken effect on the 5th day of July, 1977.

2. Where with respect to any person the Chief Martial Law Administrator <sup>1</sup>[or a Martial Law Administrator] <sup>2</sup>[or a Deputy Martial Law Administrator or holding the rank of Major-General] is of the opinion that, for the purpose of preventing him from acting in any manner prejudicial to the purpose for which Martial Law has been proclaimed or to the security of Pakistan, the public safety or interest, the defence of Pakistan or any part thereof, the maintenance of peaceful conditions in any part of Pakistan or the efficient conduct of Martial Law, it is necessary so to do, the Chief Martial Law Administrator <sup>1</sup>[or a Martial Law Administrator] may make an order —

(v) directing that he be detained ;

1. Ins. and shall be deemed always to have been so ins. by M.L.O. No. 24, dated 12-11-1977.

2. Inst. by C.M.L.A. Order No. 33, dated 31-1-1978.

- (b) requiring him to reside or remain in such place or within such area in Pakistan as may be specified in the order,
- (c) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, and in respect of his activities in relation to the dissemination of news or propagation of opinions ; and
- (d) otherwise regulating his conduct in regard to any matter as specified in the order <sup>2</sup>[ : ]

<sup>2</sup>[Provided that an order made under clause (a) shall not remain in force for a period exceeding three months unless, before its expiration, the period is extended by the Chief Martial Law Administrator or, as the case may be, the Martial Law Administrator by a period not exceeding three months ; and a person shall not be detained under successive orders for a period exceeding twelve months in the aggregate.]

*Explanation.*—For the purposes of this proviso, an order in force immediately before the commencement of Martial Law Order No. 27 shall be deemed to have come into force on such commencement.]

3. It shall not be necessary to provide to such person the grounds for such detention or restriction.

4. Such person may, within twenty days of the making of an order under paragraph 2, submit a petition to the Chief Martial Law Administrator <sup>1</sup>[or a Martial Law Administrator, as the case may be] praying for relief.

<sup>3</sup>[4A.—(1) The Chief Martial Law Administrator or, as the case may be, the Martial Law Administrator shall refer a petition submitted under paragraph 4 for examination and report to a committee consisting —

- (a) in the case of a petition submitted to the Chief Martial Law Administrator, of the Secretary, Ministry of Interior, Government of Pakistan, Islamabad and an officer of the Armed Forces of Pakistan not below the rank of Brigadier nominated by the Chief Martial Law Administrator ; and
- (b) in the case of a petition submitted to a Martial Law Administrator, of Home Secretary of the province concerned and an officer of the Armed Forces of Pakistan not below the rank of Colonel nominated by the Martial Law Administrator concerned.

(2) After he has received the report of the committee on a petition referred to it, the Chief Martial Law Administrator or, as the case may be, the Martial Law Administrator may make such orders as he may deem fit].

5. An order made under paragraph 2 shall not be called in question before any Court, Tribunal or other Authority including the Supreme Court and a High Court.

1. Ins. and shall be deemed always to have been so ins. by M.L.O. No. 24, dated 12-11-1977.

2. Subs. and added by M.L.O. No. 27, dated 31-12-1977,

3. Paragraph 4A added, *ibid*.

## No. 13

[20th July, 1977]

All proceedings of Special Military Court, after confirmation by the Martial Law Administrator concerned will be sent to Chief Martial Law Administrator's Secretariat, for final review.

## No. 14

[20th July, 1977]

Petition in respect of sentences below fourteen years' rigorous imprisonment shall be disposed of by the Martial Law Administrator concerned. Petitions in respect of sentences of rigorous imprisonment for fourteen years and above shall be submitted to Chief Martial Law Administrator.

## No. 15

[20th July, 1977]

WHEREAS it is expedient to grant bail, pending investigation or trial, to person charged under Martial Law Regulations or Orders in certain cases, the procedure for bail is laid down as under :—

1. A bail application on plain paper will be submitted on behalf of the accused to the Military Court where the accused is to be tried.

2. The President of the Court or the Summary Military Court after examining the case and gravity of the offence committed by the accused may order bail of the accused against appropriate cash or personal sureties. The bail will only be granted when it is not apprehended that the accused will either, tamper with the prosecution evidence or that he will abscond, and the case against him is not of a very serious nature.

*Explanation.*—The Police Officer to whom the order of the court will be addressed under paragraph 3 shall arrange for the execution of the necessary bond or surety as the case may be.

3. The order of the President of the Court or the Summary Military Court for bailing out the accused will be addressed to the relevant police officer in whose custody the accused may be at the time.

4. The police officer on receipt of such orders will comply with the orders of the President of the Court or of the Summary Military Court and let off the accused till such time as he is recalled for investigation or trial.

## No. 16

[30th July, 1977]

Amendment of Martial Law Order No. 4, issued by the Chief Martial Law Administrator.

The following amendment shall be made in Martial Law Order No. 4.

In Martial Law Order No. 4 in paragraph (7), in sub-paragraph (d) the following 'proviso' shall be added and shall be deemed to have always been so added, namely :

"Provided that a Martial Law Administrator of a zone, if he deems necessary for expeditious disposal of case, may direct a Deputy Martial Law Administrator, in his zone to review and counter-sign the proceedings of Summary Military Courts."

## No. 17

[6th August, 1977]

1.—(1) This Martial Law Order shall come into force at once and shall be deemed to have taken effect on 5th July, 1977 and shall have effect notwithstanding anything contained in the Laws (Continuance in Force) Order, 1977, or in any Martial Law Order and Regulation or in any other law for the time being in force.

(2) In this Order, unless there is anything repugnant in the subject or context—

- (a) 'Competent Authority' means the Chief Martial Law Administrator and where, in relation to any person or class of persons the Chief Martial Law Administrator authorises a Martial Law Administrator of a Zone or any other officer or authority, to exercise the powers of competent authority under this order, includes such Martial Law Administrator or officer or authority ;
- (b) 'Misconduct' includes conduct prejudicial to good order or service discipline or conduct unbecoming of an officer and a gentleman or involvement in industry, trade or speculative transactions or employment of the influence of official position to gain undue advantage, or assumption of financial or other obligations to private institutions or persons such as may cause embarrassment in the performance of official duties or functions ;
- (c) 'Person in Corporation service' means every person in the employment of a corporation or other institutions set up or established by the Central Government or a Provincial Government or by any law for the time being in force and includes the Chairman and the Managing Director of, and the holder of any other office, in such corporation or institution including autonomous and semi-autonomous bodies ;
- (d) 'Person in Government service' includes every person who is or has been a member of an All-Pakistan Service or of a Civil Service of the Centre or who holds a civil post in connection with the affairs of the Centre and every person who is a member of a Civil Service of a Province or who holds a civil post in connection with the affairs of a Province but does not include a Judge of the Supreme Court or of a High Court.

2.—(1) Where it is brought to the notice of the competent authority that a person in the Government service or a person in Corporation service is <sup>1</sup>, or has at any time before the commencement of this Order been,]—

- (a) corrupt or has a reputation of being corrupt, or has assumed a style of living beyond his known sources of income, or
- (b) guilty of misconduct, or
- (c) guilty of interference in any manner whatsoever in the conduct of elections, or
- (d) guilty of any other offence under any law for the time being in force or abetment thereof, or

- (e) inefficient or has for any reason ceased to be efficient, or
- (f) engaged or is reasonably suspected of being engaged in subversive activities.

The competent authority may, notwithstanding anything contained in the terms and conditions of the service of such person, or any law, rules, regulations or instructions, if of the opinion that it is necessary so to do, by order in writing, appoint an Inquiry Officer for the purpose of making an inquiry into the accusation and the inquiry officer so appointed shall make the inquiry accordingly.

(2) The inquiry officer shall have the power of a civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely :—

- (a) Summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) receiving evidence on affidavits ;
- (d) issuing commission for the examination of witnesses or documents.

(3) Where the competent authority is of the opinion that, having regard to the nature of the inquiry to be made under the circumstances it is necessary to invest the Inquiry Officer with additional powers, the said authority may, in writing, direct that such powers as may be specified in the order shall, in addition, be exercisable by the Inquiry Officer:

(4) The Inquiry Officer, notwithstanding anything contained in any law for the time being in force, rules or regulations, shall have power to require any person to furnish information on such points or matters as, in the opinion of the Inquiry Officer may be useful for, or relevant to the subject-matter of inquiry.

(5) The Inquiry Officer may enter in building or place where he has reason to believe that any books of account or other documents relating to the subject-matter of the inquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom.

3. The Inquiry Officer shall be deemed to be a Civil Court and when any offence as described in section 175, section 178, section 179, section 180 or section 228 of the Pakistan Penal Code is committed in view or presence of the Inquiry Officer, the Inquiry Officer may, after recording the fact constituting the offence and the statement of the accused, forward the same to a Special Military Court or a Summary Military Court, as the case may be.

4. Any proceeding before the Inquiry Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code.

5. The Inquiry Officer shall have the power of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of requisitioning any public record or copy thereof from any court or office.

6. Unless otherwise directed by the competent authority, the Inquiry Officer shall have power to regulate its own procedure (including the fixing of place and times of his sittings and deciding whether to sit in public or in private) and make rules to carry out the purpose of this order relating to inquiry.

<sup>1</sup>[Provided that no person against whom an Inquiry has been instituted under this Martial Law Order shall be entitled to be represented through or assisted by a Legal Practitioner or any other such person].

<sup>2</sup>[6A. Notwithstanding anything contained in any Martial Law Order or Martial Law Regulation or any other law for the time being in force, an inquiry officer may take into consideration the statements of witnesses earlier recorded in an inquiry held under any law for the time being in force including Martial Law Order No. 19 and the Pakistan Commission of Enquiries Act, 1956 (VI of 1956) and may not recall or re-examine such witnesses and the statements so taken into consideration by the Inquiry Officer shall form part of his report.]

7. The Inquiry Officer shall have power to order Police investigation into any matter coming before him.

8. In conducting an investigation ordered by the Inquiry Officer in any case, the Police shall exercise the powers conferred on the Police in respect of a cognizable case by Chapter XIV of Code of Criminal Procedure, 1898.

9.—(1) The Inquiry Officer shall within the period as specified by the competent authority, submit his report alongwith the inquiry proceedings to the competent authority.

(2) The Competent Authority if not satisfied with the inquiry, may direct the Inquiry Officer to take such additional evidence as may be deemed necessary in a particular case.

(3) Notwithstanding anything contained in the terms and conditions of service of the person against whom the inquiry has been made, the competent authority may, after examining the report of the Inquiry Officer, by order in the official Gazette, dismiss or remove such person from service, or reduce him in rank, or direct that he shall prematurely be retired from service or refer his case to any ordinary Criminal Court or a Military Court, as the case may be, for trial :

Provided that no action under this paragraph shall be taken in respect of any person, except after informing him of the reasons therefor and giving him opportunity to show cause in writing within a period of 7 days as to why such action should not be taken against him.

10. Dismissal or removal from service or reduction in rank or premature retirement of a person under paragraph 9 shall not absolve such person from liability for an offence in any law committed by him while in service.

11.—(1) A person who is dismissed, removed from service or reduced in rank or ordered to be prematurely retired from service under the provisions of this order may submit a review petition to the Chief Martial Law Administrator if the person against whom action has been taken under paragraph 9 is an employee of the Central Government and

1. Proviso added by CMLA'S Order No. 50, dated 26th July, 1978.

2. Ins. by C.M.L.A. Order No. 39, dated 26th February, 1978.

in all other cases to the Martial Law Administrator or the competent Authority concerned against such order within one month of the making of the order.

12. No action taken, order passed, thing done or power exercised under the Order shall be called in question by or before any Court including the Supreme Court and a High Court or a Tribunal or any other Authority.

#### No. 18

[31st August, 1977]

1. Notwithstanding anything contained in any other law for the time being in force, all contracts or agreements or lease deeds, other than contracts, or agreements or lease deeds secured on the basis of public auction or public offers, made between the period from 1st January, 1977 to 4th July, 1977, between the President of Pakistan, acting through the Pakistan Railway Administration, and any person other than a Government department of any agency or authority controlled by the Government, for the lease of Railway Land for a term exceeding ten years are hereby declared void and shall be deemed always to have been void.

2. No compensation shall be payable to any person claiming under any alleged contract, agreement or lease referred to in paragraph 1 on account of its having been declared void under that paragraph.

3. No proceedings shall lie in any court, including the Supreme Court and a High Court, for the enforcement of any alleged contract, agreement or lease referred to in paragraph 1 and all proceedings pending in any Court for the enforcement of any such alleged contract, agreement or lease shall abate forthwith.

4. No Court, including the Supreme Court and a High Court, shall call in question, or permit to be called in question, any provision of this Order or issue any injunction or other process, or make any order, in respect of any alleged contract, agreement or lease referred to in paragraph 1.

#### No. 19

[7th September, 1977]

1.—(1) The Chief Martial Law Administrator or a Martial Law Administrator as the case may be, may, if is of opinion that it is necessary so to do by order in writing appoint a Commission of Inquiry hereinafter referred to as Commission, for the purpose of making inquiry into any matter of public importance and performing such functions and within such time as he may specify and the Commission so appointed shall make the inquiry and perform the functions accordingly.

2. The Commission may consist of an officer of the Armed Forces of Pakistan not below the rank of a Lieutenant-Colonel, who shall be the President thereof and one or more members each of whom is or has been a Sessions Judge, or a Magistrate with power under section 30 of the Code of Criminal Procedure, 1898.

2. The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters namely :—

(a) Summoning and enforcing the attendance of any person and examining him on oath ;

- (b) requiring the discovery and production of any documents ;
- (c) receiving evidence on affidavits ;
- (d) issuing commissions for the examination of witnesses or documents ;
- (e) requisitioning any public record or copy thereof from any court or office.

3.—(1) Where the Chief Martial Law Administrator or a Martial Law Administrator as the case may be is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all or any of the provisions of sub-paragraph (2) or sub-paragraph (3) or sub-paragraph (4) or sub-paragraph (5) should be made applicable to a Commission, the Chief Martial Law Administrator or a Martial Law Administrator as the case may be, may direct, by order in writing, that all or such of the said provisions as may be specified in the Order shall apply to that Commission and on the making of such an order the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry.

(3) The President of the Commission or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by the President of the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject-matter of the inquiry may be found and may seize any such books of account or documents or take extracts or copies therefrom, subject to the provisions of section 102 and section 103 of the Code of Criminal Procedure, 1898, in so far as they may be applicable.

(4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Pakistan Penal Code, is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 forward the case to a Military Court or an Ordinary Criminal Court having jurisdiction to try the same and the Court to whom any such case is forwarded shall proceed to try the accused.

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code.

4. If the President or any member of the Commission through death, illness or any other reason is unable to perform his functions, the Chief Martial Law Administrator or the Martial Law Administrator concerned as the case may be, may, by order in writing, declare the office of the President or such member to be vacant and appoint thereto another person qualified to hold the office.

5. If, in the course of a trial, the President or any member of the Commission is, for any reason, unable to attend any sitting thereof, the



proceedings of the Commission may continue before the remaining person comprising the Commission.

6. The Commission shall not merely by reason of any change of the President or in its membership or the absence of its President or any of its members from any sitting, be bound to recall and rehear any witness who has already given any evidence and may act on the evidence already given or produced before it.

7. In the event of any difference of opinion among the members of the Commission, the opinion of the majority shall prevail and the recommendation of the Commission shall be expressed in terms of the views of the majority, but in case the Commission consists of only a President and a member, the opinion of the President shall prevail.

8. The Chief Martial Law Administrator or a Martial Law Administrator as the case may be, may, if is of opinion that the continued existence of a Commission is unnecessary, by order in writing, declare that the Commission shall cease to exist from such date as may be specified in this behalf in such order, and thereupon, the Commission shall cease to exist.

9. The Commission shall subject to any rules that may be made in this behalf, have power to regulate its own procedure including the fixing of places and times of its sittings and deciding whether to sit in public or in private and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members.

10. In case the Commission has been appointed to enquire into allegations against a particular person, such person shall be present during the examination of witnesses appearing before the Commission against such person and shall have the right to cross-examine such witnesses if he so chooses.

11. Before commencement of the proceedings, the President of the Commission may, with the permission of the Chief Martial Law Administrator or the Martial Law Administrator concerned as the case may be, release a concise statement of the case to the Press to enable members of the public who may have some knowledge of the case to appear before the Commission and make a statement in respect thereof.

Provided that such a person shall be liable to be cross-examined by any person who may have some interest in the subject-matter of the inquiry.

12. No suit or other legal proceedings shall lie against the Chief Martial Law Administrator or a Martial Law Administrator concerned, the Commission or any member thereof, or any person acting under the direction either of the Chief Martial Law Administrator or the Martial Law Administrator concerned or of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Order or in respect of the publication, by or under the authority of the Chief Martial Law Administrator or the Martial Law Administrator concerned or the Commission, of any report, paper or proceedings.

13.—(1) The Chief Martial Law Administrator or Martial Law Administrator as the case may be, may, by order in writing and subject to such conditions or restrictions, if any, as may be mentioned in the order, confer upon the Commission power to order a Police investigation into any matter coming before it.

(2) In conducting an investigation ordered under sub-paragraph (1) the Police shall exercise the powers conferred on the Police in respect of a cognizable case by Chapter XIV of the Code of Criminal Procedure, 1898.

14. The Chief Martial Law Administrator or a Martial Law Administrator as the case may be, may, by order in writing, make rules for carrying out the purposes of this Order.

15. The Commission shall have the same power as the High Court has to punish any person for contempt of court and the Contempt of Court Act, 1976 (LXIV of 1976), shall have effect accordingly as if reference therein to a "Court" and to a "Judge" were a reference respectively, to the "Commission" and a member of the Commission.

16.—(1) This Martial Law Order extends to the whole of Pakistan ; and

(2) It shall come into force at once.

**No. 20**

*[24th September, 1977]*

In Martial Law Order No. 17, in paragraph 2, in sub-paragraph (1) after the words "a person in Corporation service is", the commas and words ", or has at any time before the commencement of this Order been", shall be added and shall be deemed always to have been so added.

**No. 21**

*[15th October, 1977]*

1. The Board of Trustees of the Peoples Foundation Trust and the Board of Directors of every institution connected therewith shall stand suspended forthwith and every member of the said Board of Trustees, including the Chairman thereof, and every member of Board of Directors of every such institution shall cease to function as such.

\*2. All powers and functions of the Board of Trustees and of the Board of Directors of every institution referred to in paragraph 1 shall vest in, and be exercised and performed by the Chief Martial Law Administrator or by such other person or body of persons as may be appointed by him in this behalf.

3. This Order shall have effect notwithstanding anything contained in the Peoples Foundation Trust Deed of 9th day of August, 1974 as amended from time to time, or in any law including a Martial Law Regulation or a Martial Law Order or other instrument having the force of law or in any Contract or an Agreement, and shall not be called in question in or before any Court including the Supreme Court and a High Court.

**No. 22**

*[15th October, 1977]*

1. The Board of Trustees of Zulfikar Ali Bhutto Trust and the Board of Directors of every institution connected therewith shall stand suspended forthwith and every member of the said Board of Trustees, including the Chairman thereof, and every member of Board of Directors of every such institution shall cease to function as such.

1[2. All powers and functions of the said Board of Trustees and of the Board of Directors of every institution referred to in paragraph 1 shall vest in, and be exercised and performed by the Chief Martial Law Administrator or by such other person or body of persons as may be appointed by him in this behalf].

3. This Order shall have effect notwithstanding anything contained in Zulfiqar Ali Bhutto Trust Deed of 6th of November, 1973, as amended from time to time, or in any law including a Martial Law Regulation or a Martial Law Order or other instrument having the force of law or in any Contract or an Agreement and shall not be called in question in or before any Court including the Supreme Court and a High Court.

### No. 23

[22nd October, 1977]

1. This Martial Law Order shall come into force at once and shall have effect notwithstanding anything contained in the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), or in any Martial Law Order or Martial Law Regulation or in any other law for the time being in force.

2. In this Martial Law Order, unless there is anything repugnant in the subject or context—

- (a) "competent authority" means the Chief Martial Law Administrator and where, in relation to any person or class of persons the Chief Martial Law Administrator authorises a Martial Law Administrator of a Zone to exercise the powers of competent authority under this Martial Law Order, includes such Martial Law Administrator ;
- (b) "person who was in Government service" includes every person who was, on or after the first day of January, 1972, a member of an All-Pakistan Service or of a Civil Service of the Federation or who held a civil post in connection with the affairs of the Federation and every person who was a member of a Civil Service of a Province or who held a civil post in connection with the affairs of a Province, but does not include a Judge of the Supreme Court or of a High Court ;
- (c) "person who was in Corporation Service" means every person who was, on or after the first day of January, 1972, in the employment of a Corporation or other institution set up or established by the Federal Government or a Provincial Government or by or under any law for the time being in force and includes the Chairman and the Managing Director of, and the holder of any other office in, such Corporation or Institution ;
- (d) "compulsorily removed" means dismissed or removed or prematurely retired from service and includes premature retirement ordered on completion of twenty-five years service <sup>2</sup>[including] termination of service on giving notice as provided in the terms and conditions of service of the affected person.

1. This Martial Law Order shall come into force at once and shall be deemed to have taken effect on 22nd October, 1977.

- 1. Omitted by C.M.L.A.O. No. 46, dated 1-6-1978.
- 2. Subs. by C.M.L.A. Order No. 41, dated 18-3-1978.

2. In Martial Law Order No. 23, in paragraph 3, for sub-paragraph (1), the following shall be substituted, namely :—

“(1) Any person who was in Government service or in Corporation service and was compulsorily removed from such service between the first day of January, 1972 and the fifth day of July, 1977, may submit a review petition to the competent authority.”

(2) A person referred to in sub-paragraph (1) whose appeal or petition against compulsory removal from service is, on the date of coming into force of this Martial Law Order, pending in a Court or with a Service Tribunal, may submit a review petition under that sub-paragraph only after he has withdrawn his appeal or petition from the Court or Service Tribunal, as the case may be.

(3) A petition under sub-paragraph (1) shall be accompanied by a copy of the order of compulsory removal from service passed against the petitioner and the grounds on which he seeks review of that order.

(4) All petitions under this Order shall reach the [Secretary Establishment Division] Pakistan Secretariat No. 1, Rawalpindi, or the Chief Secretary of a Province in case the Martial Law Administrator in that Province has been authorised by the Chief Martial Law Administrator to exercise the powers of competent authority, on or before the date to be notified in this behalf.

(5) A petition submitted by any person referred to in sub-paragraph (1) at any time after the fourteenth day of August, 1977, but before the commencement of this Order shall be deemed to be a review petition submitted under this Order.

4. A competent authority may set up such number of Review Boards consisting of such members as it may deem fit.

5. A Review Board, on receipt of a review petition forwarded to it by the competent authority, shall review the said petition and, after giving an opportunity to the petitioner of being heard, and making such further enquiry as it may deem appropriate, submit its report together with its recommendations to the competent authority who may pass such order as he may deem appropriate :

Provided that any order passed on a petition, including an order of re-instatement, shall not entitle the petitioner to any damages, compensation or arrears of emoluments or other benefits for the period he remained out of service.

6. A Review Board shall determine its own procedure and shall, in the performance of its functions, be guided by such directions as the competent authority may issue from time to time.

7. All Heads of Departments and Offices, and other authorities who possess any records or information in respect of persons who submit petitions under this Order shall, on receipt of request from the Review Board, provide it with all such records and information and render all other possible assistance in the disposal of petitions as may be required of them.

1. Substituted by C.M.L.A. Order No. 52 dated 15th August, 1978 with the proviso that this amendment will not affect the previous operation of Martial Law Order No. 23. See also C.M.L.A.'s Order No. 52.

1[8. All actions taken by a Review Board not formally set up under this Martial Law Order, to receive petitions, to give hearing to the petitioners and to enquire into petitions, and all recommendations made by such Board, shall be deemed to have been validly taken or made.]

#### No. 24

[12th November, 1977]

In Martial Law Order No. 12, in paragraph 2 after the words "the Chief Martial Law Administrator" wherever same occur, the words "or a Martial Law Administrator" shall be inserted and shall be deemed always to have been so inserted.

2. In paragraph 4 of the aforesaid order, after the words "Chief Martial Law Administrator", the words and commas "or a Martial Law Administrator, as the case may be", shall be inserted and shall be deemed always to have been so inserted.

#### No. 25

[6th December, 1977]

1.—(1) This Martial Law Order shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977, and shall have effect notwithstanding anything contained in the Representation of the People Act, 1976 (LXXXV of 1976), or the Election Commission Order, 1977 [President's (P.P.) Order No. 4 of 1977].

(2) In this Order, unless there is anything repugnant in the subject or context, "Commissioner" and "Election Commission" shall respectively mean the Chief Election Commissioner appointed, and the Election Commission constituted, under the Election Commission Order, 1977 [President's (P.P.) Order No. 4 of 1977].

2.—(1) The Commissioner shall be competent, and shall be deemed always to have been competent, to exercise, in respect of matters connected with, or arising out of, the elections held under the National and Provincial Assemblies (Elections) Ordinance, 1970 (XIII of 1970), all the powers conferred on the Commissioner by or under the said Ordinance.

(2) The Election Commission and the Commissioner—

- (a) shall be competent, and shall be deemed always to have been competent, to exercise, in respect of matters connected with, or arising out of, the general elections held in the month of March, 1977, all the powers conferred respectively on the Commission and the Commissioner by or under the Representation of the People Act, 1976 (LXXXV of 1976), including, in particular, the power to cause a prosecution to be instituted, and a complaint to be made, in respect of an offence referred to in section 95 of the said Act; and
- (b) may make or cause to be made such inquiry as it or he may deem fit into any alleged illegality or violation of the provisions of the said Act or the rules made thereunder or any alleged rigging of an election during the aforesaid general elections and may order that any person committing, or causing to be committed, or abetting the commission of, such illegality,

1. Paragraph 8 added by M.L.O. No. 26, dated 6-12-1977.

violation or rigging shall be disqualified, for such period not exceeding five years as may be specified in the order, from being, or from being elected or chosen as, a member of Parliament or of a Provincial Assembly.

#### No. 26

[6th December, 1977]

In Martial Law Order No. 23 of 1977, after paragraph 7, the following new paragraph shall be added, namely :—

- “8. All actions taken by a Review Board not formally set up under this Martial Law Order, to receive petitions, to give hearing to the petitioners and to enquire into petitions, and all recommendations made by such Board, shall be deemed to have been validly taken or made.”

#### No. 27

[31st December, 1977]

1. Amendment of Martial Law Order No. 12 issued by the Chief Martial Law Administrator.
2. The following amendments shall be made in Martial Law Order No. 12 :—

In Martial Law Order No. 12—

- (a) in paragraph 2, for the full stop at the end a colon shall be substituted and thereafter the following proviso and explanation shall be added, namely :—

“Provided that an order made under clause (a) shall not remain in force for a period exceeding three months unless, before its expiration, the period is extended by the Chief Martial Law Administrator or, as the case may be, the Martial Law Administrator by a period not exceeding three months; and a person shall not be detained under successive orders for a period exceeding twelve months in the aggregate.

*Explanation.*—For the purposes of this proviso, an order in force immediately before the commencement of Martial Law Order No. 27 shall be deemed to have come into force on such commencement.”; and

- (b) after paragraph 4, the following new paragraph shall be added, namely :—

“4A.—(1) The Chief Martial Law Administrator or, as the case may be, the Martial Law Administrator shall refer a petition submitted under paragraph 4 for examination and report to a committee consisting :—

- (a) in the case of a petition submitted to the Chief Martial Law Administrator, of the Secretary Ministry of Interior, Government of Pakistan, Islamabad and an officer of the Armed Forces of Pakistan not below the rank of Brigadier nominated by the Chief Martial Law Administrator; and
- (b) in the case of a petition submitted to a Martial Law Administrator, of Home Secretary of the province concerned and an officer of the Armed Forces of Pakistan not below the

rank of Colonel nominated by the Martial Law Administrator concerned.

(2) After he has received the report of the committee on a petition referred to it, the Chief Martial Law Administrator or, as the case may be, the Martial Law Administrator may make such orders as he may deem fit."

#### No. 28

[31st December, 1977]

Any power exercised by the Martial Law Administrator of any Zone at any time before the commencement of Martial Law Order No. 24 in the purported exercise of the power, conferred by Martial Law Order No. 12 shall be deemed to have been validly exercised and shall have and shall be deemed always to have had effect accordingly.

#### No. 29

[31st December, 1977]

The Chief Martial Law Administrator or a Martial Law Administrator may, if he so deems necessary, put any person under suspension against whom an inquiry is being or has been instituted under Martial Law Order No. 17 or whose case has been referred to a Commission of Inquiry appointed under Martial Law Order No. 19.

#### No. 30

[14th January, 1978]

The following amendments shall be carried out in Martial Law Order No. 3, hereinafter referred as the said M.L.O. namely :—

In the said M.L.O. in paragraph 1, in sub-paragraph (b) in clause (ii) for the words "Zone B—Lt Gen Sawar Khan Commander 11 Corps", the words, "Zone C—Lt Gen Fazle Haq Commander 11 Corps" shall be substituted and shall be deemed to have been so substituted on 12 January 1978.

#### No. 31

[26th June, 1978]

[As Reconstituted by CMLA'S Order No. 47, dated 26th June, 1978]

Martial Law Order No. 31 is hereby reconstituted as under :—

#### Martial Law Order No. 31 :

1. This Martial Law Order extends to the whole of Pakistan and shall come into force at once.

2. In this Martial Law Order, unless there is anything repugnant in the subject or context—

(a) "Chief Secretary", in relation to a holder of a representative office, means the Chief Secretary of the Government of the Province in which the place from which such holder was elected as a member of Parliament or of a Provincial Assembly is situated or, if such place is situated in the Federally Administered Tribal Areas, the Chief Secretary to the Government of the North-West Frontier Province or, if such place is situated in the Islamabad Capital Territory, the Chief Secretary to the Government of the Punjab or, in the case of the Attorney-General or an Advocate-General, the Chief Secretary to the

Government of the Province in which such holder has or had his headquarter ;

- (b) "Disqualification Tribunal" means a Disqualification Tribunal established under paragraph 3 ;
- (c) "holder of representative office" means a person who is holding, or has held—
- (i) under the Provisional Constitution Order or the Interim Constitution of the Islamic Republic of Pakistan, the office of President or Governor, or
- (ii) under the Presidential Cabinet Order, 1972 (P.O. No. 3 of 1972), or the Interim Constitution of the Islamic Republic of Pakistan or the Constitution of the Islamic Republic of Pakistan, the office of Prime Minister, member of the President's Council of Ministers, Federal Minister, Minister for State, Attorney General, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Chief Minister, member of Governor's Council of Ministers, Provincial Minister, Parliamentary Secretary, Advocate General, Special Assistant to the Chief Minister, Adviser to the Chief Minister or member of the National Assembly or of the Senate or of a Provincial Assembly.

Provided that for the purpose of this Martial Law Order, any person in respect of whom a nomination paper was filed and he was a candidate for elections to a House of Parliament or a Provincial Assembly, which were held or were to be held at any time during the year 1977, shall be deemed to be a holder of representative office ;

- (d) "misconduct", in relation to a holder of a representative office, refers to conduct after December, 1970, and includes, rigging of an election, bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration, wilful misapplication or diversion of public moneys or moneys collected, whether by public subscription or otherwise, or owning or having in his possession or under his control, directly or indirectly, either in his own name or in the name of any other person, any assets, pecuniary resources or property whether within or outside Pakistan, disproportionate to his known or disclosed sources of income, and any other abuse of whatsoever kind of power or position, contravention of any of the provisions of Martial Law Regulation No. 21 and includes any attempt, or abetment in respect thereof ;
- (e) "respondent" means the person in respect of whom a reference is made under sub-paragraph (1) of paragraph 4 ;
- (f) "rigging of election" includes any act or thing done by any person, either directly or indirectly with a view to seeing that an election is not conducted honestly, justly, fairly or in accordance with law and includes an act calculated to influence the result of an election to a House of Parliament or Provincial Assembly in a fraudulent, under-hand or illegal manner.

3. (1) The Chief Martial Law Administrator or as the case may be, a Martial Law Administrator may establish such number of Disqualification Tribunals as he may deem necessary.



(2) The Chief Martial Law Administrator or as the case may be, a Martial Law Administrator, if he so deems necessary, may abolish any Disqualification Tribunal established under sub-paragraph (1) and any case pending before the Tribunal so abolished shall be returned to the referring authority who may refer it to any other Disqualification Tribunal or dispense with such reference.

(3) A Disqualification Tribunal shall consist of an officer of the Armed Forces not below the rank of Brigadier or equivalent and a person exercising the powers of a Sessions Judge or a Magistrate of the First Class.

4. (1) A Disqualification Tribunal shall not proceed to enquire into any charge of misconduct against a holder of representative office except on a reference in writing made to it by the Chief Secretary.

(2) Nothing contained herein or in any other law for the time being in force, shall preclude a Chief Secretary from making successive references to a Disqualification Tribunal in respect of any holder of representative office to enquire into any charge of misconduct not previously referred to it notwithstanding that on an earlier reference in respect of such holder of representative office the Disqualification Tribunal has given its findings.

(3) When the Chief Secretary, on the basis of the material placed before him, decides to make a reference to a Disqualification Tribunal in respect of a holder of a representative office, the Chief Secretary shall notify this fact in the official Gazette.

(4) On receiving a reference under sub-paragraph (1), the Disqualification Tribunal shall scrutinize the necessary records forwarded to it by the Chief Secretary relating to the charge mentioned in the reference, and—

- (a) If, as a result of such scrutiny, it is of the opinion that no charge can be established, return the reference to the Chief Secretary together with its opinion thereon; and
- (b) in other cases, issue notice to the respondent requiring him to show cause why he should not be proceeded against under this Order.

5. (1) A Disqualification Tribunal shall have the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring discovery and production of any documents from any person;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents; and
- (e) requisitioning any public record or copy thereof from any court, office, bank or any other establishment, company or body Corporate.

(2) Proceedings before the Disqualification Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code.

(3) Notwithstanding anything contained in any other law for the time being in force but subject to rules made under paragraph 11 of this Order, a Disqualification Tribunal shall have the power to conduct its proceedings and regulate its procedure in all respects in any manner it deems fit, including, in particular, the power to refuse to examine any witness or summon any document.

(4) Notwithstanding anything contained in any other law for the time being in force, a Disqualification Tribunal may receive in evidence—

(a) statements recorded and the findings arrived at in any judicial inquiry held under any Martial Law Order/Regulation or under any other law for the time being in force ;

(b) any statement recorded by a Magistrate, being a statement made by any person who, at the time of the trial, is dead, or cannot be found or whose attendance cannot be procured without any amount of delay or expense which the Disqualification Tribunal considers unreasonable in the circumstances ;

(c) any statement or confession of an accused person recorded by a Magistrate under the Criminal Procedure Code, whether before or after the registration of a case triable by the Disqualification Tribunal ;

(d) No objection to any document or property seized in the course of an investigation being received or produced in evidence shall be entertained on any ground whatsoever ;

(5) Where it is proved that a holder of representative office owns or has in his possession or under his control, directly or indirectly, in his name or in the name of any other person assets, pecuniary resources or property, whether within or outside Pakistan disproportionate to his known or disclosed sources of income, it shall be presumed unless the contrary is proved, that he acquired or obtained such assets, pecuniary resources or property, as the case may be, by corrupt or illegal practice or means.

(6) A Disqualification Tribunal shall have the same power to punish its own contempt as a High Court has under the Contempt of Courts Act, 1976.

(7) If, in the course of a hearing, a member of the Disqualification Tribunal is, for any reason, unable to attend any sitting thereof, the proceedings before the Disqualification Tribunal in question may continue before the other member of the Disqualification Tribunal.

(8) A Disqualification Tribunal shall not, merely by reason of any change in its composition or the absence of any of its members, be bound to recall and rehear any witness who has already given any evidence, and may act on the evidence already given or produced before it.

(9) In the event of any difference of opinion among the members of a Disqualification Tribunal, the matter shall be referred by it to the Martial Law Administrator of the Zone concerned whose decision shall be final.

(10) (a) A Disqualification Tribunal shall expeditiously dispose of the cases referred to it and shall proceed with all deliberate speed and

shall not adjourn the proceedings unless it considers it necessary in the interests of justice to do so.

(b) A Disqualification Tribunal shall not be required to write a detailed judgment, it may express its conclusions and the findings in the form of a short order.

(11) No party to the proceedings before a Disqualification Tribunal shall be entitled to be represented by a legal practitioner.

*Explanation.*—A Public Prosecutor, a Prosecuting Deputy Superintendent of Police, a Prosecuting Inspector, or a Prosecuting Sub-Inspector, shall not be deemed to be a "Legal Practitioner" within the meaning of sub-paragraph (10).

6. (1) In a case under clause (b) of sub-paragraph (4) of paragraph 4, the Disqualification Tribunal shall, after such further scrutiny of records and such enquiry as it thinks fit and after giving the respondent an opportunity of being heard, record its finding whether or not the respondent is guilty of misconduct and cause its finding to be published in the official Gazette soon after.

(2) A Disqualification Tribunal may proceed against a respondent on whom a notice under clause (b) of sub-paragraph (4) of paragraph 4 cannot be served because his address is not ascertainable or who is absconding, in his absence.

(3) If the Disqualification Tribunal finds a respondent guilty of misconduct, he shall stand disqualified for a period of seven years from being elected or chosen as a member of parliament or of a Provincial Assembly.

7. A holder of representative office who has been on conviction for any offence by a Military Court or any other Court, sentenced to imprisonment for a term not less than two years, shall stand disqualified for a period of seven years from being elected or chosen as a member of parliament or of a Provincial Assembly and in respect of such person no reference to a Disqualification Tribunal shall be required or made.

8. No person wherever he may be, in respect of whom a Notification has been issued under sub-paragraph (3) of paragraph 4, shall, with effect from the date of such Notification, participate in any manner whatsoever directly or indirectly in any political activity, close door or otherwise, until a Disqualification Tribunal finds him not guilty of misconduct or if he is found by the said Tribunal, guilty of misconduct a period of seven years has elapsed.

9. No Court shall have any jurisdiction of any kind to question the competence of a Disqualification Tribunal or the legality or propriety of any order, finding or proceeding of a Disqualification Tribunal.

10. The provisions of this Order shall be in addition to and not in derogation of any other law for the time being in force and nothing in this Order shall prevent or prejudice the trial or punishment of any person under any other such law.

11. The Chief Martial Law Administrator, or a person authorised by him in this behalf, may make rules for carrying out the purposes of this Order.

12. All existing Disqualification Tribunals shall stand abolished with immediate effect.

*Exception.*—The provisions of this paragraph shall not apply to an existing Disqualification Tribunal which has started recording evidence in proceedings before it prior to the commencement of this Order and such a Disqualification Tribunal shall continue to hear such proceedings and to dispose them of.

### No. 32

[25th January, 1978]

The following amendments shall be carried out in Martial Law Order No. 3, hereinafter referred as the said MLO namely :—

in the said MLO in paragraph 1, in sub-paragraph (b) in clause (i) for the words, "Zone A—Lt Gen Muhammad Iqbal Khan, Commander 4 Corps", the words "Zone A—Lt Gen Sawar Khan Commander 4 Corps" shall be substituted and shall be deemed to have been so substituted on 25 January, 1978.

### No. 33

[31st January, 1978]

In Martial Law Order No. 12 after the words, "Martial Law Administrator" wherever such words appear, the words, "or a Deputy Martial Law Administrator holding the rank of Major-General" shall be inserted and shall be deemed to have always been so inserted.

### No. 34

[31st January, 1978]

The following amendments shall be carried out in Martial Law Order No. 3, hereinafter referred as the said MLO namely :—

- (a) in the MLO in paragraph 1, in sub-paragraph (b) in clause (iv) for the words, "Zone D—Maj. Gen. Abdullah Saeed, GOC 33 Division", the words, "Zone D—Maj. Gen. Ghulam Mohammed, GOC 33 Division" shall be substituted and shall be deemed to have been so substituted on 1st February, 1978.
- (b) in the said MLO in paragraph 1, in sub-paragraph (b) in clause (v) for the words, "Zone E—Maj. Gen. C. A. Majid, Commander FCNA" the words, "Zone E—Maj. Gen. Nishat Ahmed, Commander FCNA" shall be substituted and shall be deemed to have been so substituted on 25 January, 1978.

### No. 35

[15th February, 1978]

The following amendment shall be carried out in Martial Law Order No. 3, hereinafter referred as the said MLO namely—

in the said MLO in paragraph 1, in sub-paragraph (b) in clause (iii) for the words, "Zone C—Lt Gen Jehanzeb Arbab Commander 5 Corps", the words, "Zone C—Lt Gen Muhammad Iqbal Khan Commander 5 Corps" shall be substituted and shall be deemed to have been so substituted on 15 February, 1978.

### No. 36

[16th February, 1978]

1. This Martial Law Order shall come into force at once and shall be deemed to have taken effect from the fifth day of July, 1977.

2. The Chief Martial Law Administrator may, if he deems fit, in respect of a particular case or class of cases pending before any Military Court by an order in writing direct the Martial Law Administrator concerned that the same be transferred for trial to an ordinary criminal court or a Special Court, as the case may be, and on the making of such an order that case or class of cases shall stand so transferred.

3. A Martial Law Administrator, on receipt of an order under paragraph 1 or *suo motu* may, within the Zone concerned, by an order addressed to the Government of the Province concerned, direct that a particular case or class of cases, pending before a Military Court shall be transferred for trial by an ordinary Criminal Court or a Special Court as the case may be.

4. On receipt of an order under paragraph 3 the Provincial Government concerned shall take necessary measures in this behalf and the case or class of cases mentioned in the Order shall stand duly transferred for trial by an ordinary Criminal Court or a Special Court as the case may be and the Military Court concerned, shall forthwith forward the record of that case or class of cases, to the Home Secretary of the Provincial Government concerned.

#### No. 37

[19th February, 1978]

1. This Martial Law Order shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977.

2. In Martial Law Order No. 4, paragraphs 2 and 3 shall be substituted as follows, namely :—

“2. (1) A Military Court shall have power and jurisdiction to try and punish any person for an offence under any of the Martial Law Regulations or Orders or under any other law for the time being in force.

(2) A Military Court may, for purpose of sub-paragraph (1) take cognizance of an offence—

(a) upon receiving a complaint of facts which constitute such offence ;

(b) upon a report in writing of such facts made by any police officer or any Officer of the Armed Forces ;

(c) upon information received from any person other than a Police Officer or an officer of an Armed Forces, or upon its own knowledge or suspicion that such offence has been committed.

3. (1) A Martial Law Administrator of a Zone, if he is of the opinion that it is necessary for maintenance of law and order or public tranquillity or for expeditious disposal of any case in public interest, may, within the Zone concerned, order that any case pending before an ordinary criminal court be transferred to a Military Court and dealt with as provided for in sub-paragraph (1) of paragraph 2 and on the making of an order under this paragraph such case shall stand so transferred forthwith :

Provided that the Military Court to which a case is transferred under this paragraph, shall not be bound to recall and rehear any witness who has already given any evidence and may act on the evidence given or produced before the Criminal Court from which such case is so transferred.

(2) The provisions of this paragraph shall be in addition to and not in derogation of the provisions of paragraph 2."

No. 38

[27th February, 1978]

1. This Martial Law Order shall come into force at once and shall be deemed to have taken effect on the twenty-fifth day of January, 1978.

2. In Martial Law Order No. 31, hereinafter referred to as the said Order, in paragraph 2, in sub-paragraph (d), after the words and comma "whatsoever kind of power or position," the words and comma "contravention of any of the provisions of Martial Law Regulation No. 21," shall be inserted.

3. In the said Order, in paragraph 4, after sub-paragraph (1), the following new sub-paragraph shall be inserted, namely:—

"(1A) When the Chief Secretary, on the basis of the material placed before him, decides to make a reference to a Disqualification Tribunal in respect of a holder of a representative office, the Chief Secretary shall notify this fact in the official Gazette."

4. In the said Order, after paragraph 6, the following new paragraph shall be inserted, namely:—

"6A. No person wherever he may be, in respect of whom a Notification has been issued under sub-paragraph (1A) of paragraph 4, shall, with effect from the date of such Notification, participate in any manner whatsoever directly or indirectly in any political activity, close door or otherwise, until a Disqualification Tribunal finds him not guilty of misconduct or if he is found by the said Tribunal, guilty of misconduct a period of seven years has elapsed."

No. 39

[26th February, 1978]

In Martial Law Order No. 17 after paragraph 6, the following new paragraph shall be inserted and shall be deemed always to have been so inserted, namely:

"6A. Notwithstanding anything contained in any Martial Law Order or Martial Law Regulation or any other law for the time being in force, an inquiry officer may take into consideration the statements of witnesses earlier recorded in any inquiry held under any law for the time being in force including Martial Law Order No. 19 and the Pakistan Commission of Enquiries Act, 1956 (VI of 1956) and may not recall or re-examine such witnesses and the statements so taken into consideration by the Inquiry Officer shall form part of his report."

No. 40

[26th February, 1978]

In Martial Law Order No. 4, in paragraph 7, sub-paragraph (c) shall be substituted as follows, namely:

"(c) The Court may award any of the punishments or combination thereof as prescribed under Martial Law Order No. 5, except that of death, amputation of hand, imprisonment for life, rigorous imprisonment exceeding one year or whipping exceeding 15 stripes."

## No. 41

[13th March, 1978]

In Martial Law Order No. 23 in paragraph 2 in clause (d) for the words, "but does not include" the word, "including" shall be substituted and shall be deemed to have always been so substituted.

## No. 42

[20th March, 1978]

In Martial Law Order No. 3, in paragraph 1, in sub-paragraph (a), for clause (ii) the following shall be substituted and shall be deemed always to have been so substituted, namely:—

"(ii) Zone B—Province of North-West Frontier and the Federally Administered Tribal Areas."

## No. 43

[30th March, 1978]

1. This Martial Law Order shall come into force at once and shall be deemed to have taken effect on 22nd October, 1977.

2. In Martial Law Order No. 23, in paragraph 3, for sub-paragraph (1), the following shall be substituted, namely:—

"(1) Any person who was in Government service or in Corporation service and was compulsorily removed from such service between the first day of January, 1972 and the fifth day of July, 1977, may submit a review petition to the competent authority."

## No. 44

[20th April, 1978]

1. This Martial Law Order shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977.

2. In Martial Law Order No. 4 after paragraph 5, the following new paragraph shall be inserted, namely:—

"5A. Notwithstanding anything contained in the Pakistan Army Act, 1952, or the Rules made thereunder or in any other law for the time being, in force, the Provisions of the said Act and the Rules shall, subject to such modifications or adaptations, if any, as the Chief Martial Law Administrator may specify, apply to the promulgation and execution of sentences passed by Military Courts and to the exercise of powers of pardon, commutation, remission and suspension of sentences by the Competent Authorities under the said provisions."

## No. 45

[30th May, 1978]

1. This Martial Law Order shall come into force at once and shall be deemed to have taken effect on 25 January, 1978.

2. In Martial Law Order No. 31 in paragraph 4 in sub-paragraph (1) the following proviso shall be inserted, namely:—

"Provided that nothing contained herein or in any other law for the time being in force, shall preclude a Chief Secretary from making successive references to a Disqualification Tribunal in respect of any holder of representative office notwithstanding that on an earlier

reference in respect of such holder of representative office the Disqualification Tribunal has given its findings."

No. 46

[1st June, 1978]

1. (1) This Martial Law Order shall come into force at once and shall be deemed to have taken effect on 26th March, 1978.

(2) In Martial Law Order No. 21 paragraph 2 shall be omitted.

(3) In Martial Law Order No. 22 paragraph 2 shall be omitted.

No. 47

[25th June, 1978]

Martial Law Order No. 31 is hereby reconstituted as under :—

*Martial Law Order No. 31*

1. This Martial Law Order extends to the whole of Pakistan and shall come into force at once.

2. In this Martial Law Order, unless there is anything repugnant in the subject or context—

(a) "Chief Secretary", in relation to a holder of a representative office, means, the Chief Secretary of the Government of the Province in which the place from which such holder was elected as a member of Parliament or of a Provincial Assembly is situated or, if such place is situated in the Federally Administered Tribal Areas, the Chief Secretary to the Government of the North-West Frontier Province or, if such place is situated in the Islamabad Capital Territory, the Chief Secretary to the Government of the Punjab or, in the case of the Attorney General or an Advocate General, the Chief Secretary to the Government of the Province in which such holder has or had his headquarter ;

(b) "Disqualification Tribunal" means a Disqualification Tribunal established under paragraph 3 ;

(c) "holder of representative office" means a person who is holding, or has held—

(i) under the Provisional Constitution Order or the Interim Constitution of the Islamic Republic of Pakistan, the office of President or Governor or

(ii) under the Presidential Cabinet Order, 1972 (P. O. No. 3 of 1972), or the Interim Constitution of the Islamic Republic of Pakistan or the Constitution of the Islamic Republic of Pakistan, the office of Prime Minister, member of the President's Council of Ministers, Federal Minister, Minister for the State, Attorney-General, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Chief Minister, member of Governor's Council of Ministers, Provincial Minister, Parliamentary Secretary, Advocate-General, Special Assistant to the Chief Minister, Adviser to the Chief Minister or member of the National Assembly or of the Senate or of a Provincial Assembly ;

Provided that for the purpose of this Martial Law Order, any person in respect of whom a nomination paper was filed and he was a candidate



for elections to a house of Parliament or a Provincial Assembly, which were held or were to be held at any time during the year 1977, shall be deemed to be a holder of representative office ;

(d) "misconduct", in relation to a holder of a representative office, refers to conduct after December, 1970, and includes rigging of an election, bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration, wilful misapplication or diversion of public moneys or moneys collected, whether by public subscription or otherwise, or owning or having in his possession or under his control, directly or indirectly, either in his own name or in the name of any other person, any assets, pecuniary resources or property whether within or outside Pakistan, disproportionate to his known or disclosed sources of income, and any other abuse of whatsoever kind of power or position, contravention of any of the provisions of Martial Law Regulation No. 21, and includes any attempt, or abetment in respect thereof ;

(e) "respondent" means the person in respect of whom a reference is made under sub-paragraph (1) of paragraph 4 ;

(f) "rigging of election" includes any act or thing done by any person, either directly or indirectly with a view to seeing that an election is not conducted honestly, justly, fairly or in accordance with law and includes an act calculated to influence the result of an election to a House of Parliament or Provincial Assembly in a fraudulent, under-hand or illegal manner.

3. (1) The Chief Martial Law Administrator or as the case may be, a Martial Law Administrator may establish such number of Disqualification Tribunals as he may deem necessary.

(2) The Chief Martial Law Administrator or at the case may be, a Martial Law Administrator, if he so deems necessary, may abolish any Disqualification Tribunal established under sub-paragraph (1) and any case pending before the Tribunal so abolished shall be returned to the referring authority who may refer it to any other Disqualification Tribunal or dispense with such reference.

(3) A Disqualification Tribunal shall consist of an officer of the Armed Forces not below the rank of Brigadier or equivalent and a person exercising the powers of a Sessions Judge or a Magistrate of the First Class.

4. (1) A Disqualification Tribunal shall not proceed to enquire into any charge of misconduct against a holder of representative office except on a reference in writing made to it by the Chief Secretary.

(2) Nothing contained herein or in any other law for the time being in force, shall preclude a Chief Secretary from making successive references to a Disqualification Tribunal in respect of any holder of representative office to enquire into any charge of misconduct not previously referred to it notwithstanding that on an earlier reference in respect of such holder of representative office the Disqualification Tribunal has given its findings.

(3) When the Chief Secretary, on the basis of the material placed before him, decides to make a reference to a Disqualification Tribunal in respect of a holder of a representative office, the Chief Secretary shall notify this fact in the official Gazette.

(4) On receiving a reference under sub-paragraph (1), the Disqualification Tribunal shall scrutinize the necessary records forwarded to it by the Chief Secretary relating to the charge mentioned in the reference, and—

- (a) if, as result of such scrutiny, it is of the opinion that no charge can be established, return the reference to the Chief Secretary together with its opinion thereon; and
- (b) in other cases, issue notice to the respondent requiring him to show cause why he should not be proceeded against under this Order.

5. (1) A Disqualification Tribunal shall have the powers of a civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring discovery and production of any documents from any person;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents; and
- (e) requisiting any public record or copy thereof from any Court, office, bank or any other establishment, company or body Corporate.

(2) Proceedings before the Disqualification Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code.

(3) Notwithstanding anything contained in any other law for the time being in force but subject to rules made under paragraph 11 of this Order, a Disqualification Tribunal shall have the power to conduct its proceedings and regulate its procedure in all respects in any manner it deems fit, including, in particular, the power to refuse to examine any witness or summon any document.

(4) Notwithstanding anything contained in any other law for the time being in force, a Disqualification Tribunal may receive in evidence—

- (a) statements recorded and the findings arrived at in any judicial inquiry held under any Martial Law Order/Regulation or under any other law for the time being in force;
- (b) any statement recorded by a Magistrate, being a statement made by any person who, at the time of the trial, is dead, or cannot be found or whose attendance cannot be procured without any amount of delay or expense which the Disqualification Tribunal considers unreasonable in the circumstances;
- (c) any statement or confession of an accused person recorded by a Magistrate under the Criminal Procedure Code, whether before or after the registration of a case triable by the Disqualification Tribunal;
- (d) No objection to any document or property seized in the course of investigation being received or produced in evidence shall be entertained on any ground whatsoever;

(5) Where it is proved that a holder of representative office owns or has in his possession or under his control, directly or indirectly, in his name or in the name of any other person assets, pecuniary resources or property, whether within or outside Pakistan, disproportionate to his known or disclosed sources of income, it shall be presumed unless the contrary is proved, that he acquired or obtained such assets, pecuniary resources or property, as the case may be, by corrupt or illegal practice or means.

(6) A Disqualification Tribunal shall have the same power to punish its own contempt as a High Court has under the Contempt of Courts Act, 1976.

(7) If, in the course of a hearing, a member of the Disqualification Tribunal is, for any reason, unable to attend any sitting thereof, the proceedings before the Disqualification Tribunal in question may continue before the other member of the Disqualification Tribunal.

(8) A Disqualification Tribunal shall not, merely by reason of any change in its composition or the absence of any of its members, be bound to recall and rehear any witness who has already given any evidence, and may act on the evidence already given or produced before it.

(9) In the event of any difference of opinion among the members of a Disqualification Tribunal, the matter shall be referred by it to the Martial Law Administrator of the Zone concerned whose decision shall be final.

(10) (a) A Disqualification Tribunal shall expeditiously dispose of the cases referred to it and shall proceed with all deliberate speed and shall not adjourn the proceedings unless it considers it necessary in the interests of justice to do so.

(b) A Disqualification Tribunal shall not be required to write a detailed judgment, it may express its conclusions and the findings in the form of a short order.

(11) No party to the proceedings before a Disqualification Tribunal shall be entitled to be represented by a legal practitioner.

*Explanation.*—A public prosecutor, a Prosecuting Deputy Superintendent of Police, a Prosecuting Inspector, or a Prosecuting Sub-Inspector, shall not be deemed to be a "Legal Practitioner" within the meaning of sub-paragraph (10).

6. (1) In a case under clause (b) of sub-paragraph (4) of paragraph 4, the Disqualification Tribunal shall, after such further scrutiny of records and such enquiry as it thinks fit and after giving the respondent an opportunity of being heard, record its finding whether or not the respondent is guilty of misconduct and cause its finding to be published in the official Gazette soon after.

(2) A Disqualification Tribunal may proceed against a respondent on whom a notice under clause (b) of sub-paragraph (4) of paragraph 4 cannot be served because his address is not ascertainable or who is absconding, in his absence.

(3) If the Disqualification Tribunal finds a respondent guilty of misconduct, he shall stand disqualified for a period of seven years from being elected or chosen as a member of parliament or of a Provincial Assembly.

7. A holder of representative office who has been on conviction for any offence by a Military Court or any other court, sentenced to imprisonment for a term not less than two years, shall stand disqualified for a period of seven years from being elected or chosen as a member of Parliament or of a Provincial Assembly and in respect of such person no reference to a Disqualification Tribunal shall be required or made.

8. No person wherever he may be, in respect of whom a Notification has been issued under sub-paragraph (3) of paragraph 4, shall, with effect from the date of such Notification, participate in any manner whatsoever directly or indirectly in any political activity, close door or otherwise, until a Disqualification Tribunal finds him not guilty of misconduct or if he is found by the said Tribunal, guilty of misconduct a period of seven years has elapsed.

9. No court shall have any jurisdiction of any kind to question the competence of a Disqualification Tribunal or the legality or propriety of any order, finding or proceedings of a Disqualification Tribunal.

10. The provisions of this Order shall be in addition to and not in derogation of any other law for the time being in force and nothing in this Order shall prevent or prejudice the trial or punishment of any person under any other such law.

11. The Chief Martial Law Administrator, or a person authorised by him in this behalf, may make rules for carrying out the purposes of this Order.

12. All existing Disqualification Tribunals shall stand abolished with immediate effect.

*Exception.*—The Provisions of this paragraph shall not apply to an existing Disqualification Tribunal which has started recording evidence in proceedings before it prior to the commencement of this Order and such a Disqualification Tribunal shall continue to hear such proceedings and to dispose them of.

**No. 48**

[28th June, 1978]

1. This Martial Law Order shall come into force on 30th day of June, 1978.

In Martial Law Order No. 3 in paragraph 1, in sub-paragraph (b) in clause (iv) for the words, "Zone D—Maj Gen Ghulam Mohammed, GOC 33 Division", the words, "Zone D—Lt Gen Rahim Uddin Khan, Commander 2 Corps" shall be substituted.

**No. 49**

[13th July, 1978]

1. This Martial Law Order shall come into force on 15th day of July 1978.

2. In Martial Law Order No. 3 in paragraph 1, in sub-paragraph (b) in clause (iii) for the words, "Zone C—Lt Gen Muhammad Iqbal Khan, Commander 5 Corps", the words, "Zone C—Lt Gen Sadiq Ul Rashid Mohammad Abbasi, Commander 5 Corps" shall be substituted.

**No. 50**

[26th July, 1978]

In Martial Law Order No. 17, in paragraph 6, the following proviso

shall be inserted and shall be deemed always to have been so inserted, namely :—

“Provided that no person against whom an inquiry has been instituted under this Martial Law Order shall be entitled to be represented through or assisted by a Legal Practitioner or any other such person.”.

#### No. 51

[9th August, 1978]

The following amendments shall be carried out in Martial Law Order No. 3, hereinafter referred to as the said MLO, namely :—

in the said MLO in paragraph 1, in sub-paragraph (b) in clause (v) for the words, “Zone E—Maj Gen Nishat Ahmad, Commander FCNA”. the words, “Zone E—Maj Gen Mohammad Aslam Shah, Commander FCNA” shall be substituted and shall be deemed to have been so substituted on 28th July, 1978.

#### No. 52

[15th August, 1978]

1. In Martial Law Order No. 23 in paragraph 3, in sub-paragraph (4) for the words, “the Secretary, Cabinet Secretariat”, the words, “the Secretary, Establishment Division”, shall be substituted and shall be deemed always to have been so substituted.

2. The amendment made under paragraph 1 shall not affect the previous operation of Martial Law Order No. 23 and anything done, action taken, obligation, liability, penalty or punishment incurred or proceedings commenced, shall be deemed to have been properly and validly done, taken, incurred or commenced, as the case may be.

#### No. 53

[9th September, 1978]

1. This Martial Law Order shall come into force on the 6th day of September, 1978 and shall remain so operative till further order.

2. In Martial Law Order No. 3, in paragraph 1 in sub-paragraph (b) in clause (ii) for the words “Zone B—Lt.-Gen. Fazle Haq Commander 11 Corps”, the words, “Zone B—Maj.-Gen. Syed Razaqat Commander 9 Division”, shall be substituted.

#### No. 54

[10th September, 1978]

Notwithstanding any provision contained in any law for the time being in force by virtue of which an offence is triable exclusively by a Special Court, Special Judge or any other type of Tribunal, such offence shall, in case in which the Chief Martial Law Administrator so directs, be triable by a Military Court.

#### No. 55

[16th September, 1978]

In Martial Law Order No. 12 in Paragraph 2, in the proviso, for the words “twelve months” the words “two years” shall be substituted and shall be deemed always to have been so substituted.

## PART II

### MARTIAL LAW ADMINISTRATOR, ZONE 'A' MARTIAL LAW ORDERS

#### No. 1

[9th July, 1977]

Lieut General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone 'A', has issued the following orders which will be operative with immediate effect in the entire Province of Punjab. These orders will be called Martial Law Orders Province of Punjab.

- (a) All arms licences issued on or after 1st January, 1977, are hereby cancelled. All weapons borne on such licences will be surrendered to the nearest military unit or police station immediately but not later than 25th July, 1977.
- (b) All persons in possession of unlicensed weapons and ammunition will surrender these to the nearest military unit or police station immediately but not later than 25th July, 1977.
- (c) Persons holding licences for weapons of prohibited bore will also surrender their arms to the nearest military unit or police station immediately but not later than 25th July, 1977.
- (d) No action will be taken for possession of these arms and ammunition if these are surrendered within the period specified above.
- (e) Carrying/Display of all types of weapons and ammunition except for surrendering purposes is banned.
- (f) The following holders of licences are exempted from the operation of this Order :—
  - (i) All serving and retired personnel of the armed forces ;
  - (ii) All Government officials ;
  - (iii) All members of the Law enforcement agencies.

#### No. 2

[9th July, 1977]

With immediate effect, the sale of all explosives and acids will be regulated as under in the Province of Punjab :—

- (a) All District Magistrates will immediately prepare an inventory of explosives and acids held by dealers in their respective areas. Lists will be signed by both the parties and the

## M.L.A.'s MARTIAL LAW ORDERS, ZONE 'A'

inventories will be endorsed to the respective Headquarters Deputy/Sub-Martial Law Administrator.

- (b) All sales of explosives/acids hereafter for industrial purposes, etc. will be regulated by District Magistrates in accordance with Explosive Substances Act, 1908.
- (c) Respective Deputy Martial Law Administrators will ensure implementation of this Act.

## No. 3

[9th July, 1978]

[Cancelled by M.L.O. No. 97, dated 8th June 1978]

## No. 4

[9th July, 1978]

[Cancelled by M.L.O. No. 9, dated 8th June 1978]

## No. 5

[9th July, 1978]

- (a) No one shall hoard articles of daily public necessity or of commercial commodities.
- (b) No one shall indulge in black-marketing/profitteering in essential articles.

Violations of the above orders will be severely dealt with according to Law.

Lieut-General Mohammed Iqbal Khan, Martial Law Administrator, Punjab, Zone 'A' has issued the following orders which will be operative with immediate effect in the entire Province of Punjab.

## No. 6

[12th July, 1977]

[Cancelled by M.L.O. No. 97, dated 8th June 1978]

## No. 7

[12th July, 1977]

Whosoever offers or attempts to offer bribe or illegal gratification in any form or manner and whosoever accepts such bribe or illegal gratification, and whosoever abets or induces or attempts to induce someone to offer or accept bribe or illegal gratification in any manner or form with the object that in the course of transaction of official business some favour or disfavour shall be obtained for anyone, some service or disservice shall be rendered for undue benefit of someone, shall be tried by Military Court.

## No. 8

[12th July, 1977]

Whoever fails to pay any outstanding taxes, land revenue, rates or any other dues or amounts payable to government or any local body or authority by 31st July, 1977, shall be tried by military courts. This order shall not be applicable to those cases where the matter is *sub judice* in any court, or under consideration before any competent authority, on the date of issue of this order.

## No. 9

[29th July 1977]

[Concluded by M.L.O. No. 97, dated 8th June 1978]

## No. 10

[30th July, 1977]

Some clarification have been sought from ML authorities regarding lethal weapons. Since elaboration was not earlier given some individuals remained in doubt and did not deposit their weapons.

Martial Law Administrator, Punjab, Zone A has therefore issued the following order which will be operative with immediate effect in the entire Province of Punjab.

1. No person shall be in actual or constructive possession of any lethal weapon.
2. For the purposes of this order lethal weapons given in West Pakistan Arms Ordinance Act, 1965 mean and include the following :—
  - (a) Air Pistol.
  - (b) Bayonets.
  - (c) Swords.
  - (d) Sword sticks.
  - (e) Daggers.
  - (f) Barchi, kirpan, kukris.
  - (g) Knives with blades of four inches and above but does not include kitchen knives or those used in good faith for carrying on a profession.
  - (h) Knuckle-dusters, spears, spear-heads, bows and arrows and parts of arms.
3. All weapons specified above will be surrendered to the nearest Army Unit or Police Station by 15th August 1977.

## No. 11

## COMMISSIONS OF INQUIRY

[12th September, 1977]

The Martial Law Administrator, Punjab, Zone A has appointed following Inquiry Commissions in accordance with Martial Law Order No. 19 dated 7th September, 1977 issued by the Chief Martial Law Administrator :—

## (a) Commission No. 1

- (1) President
- (2) Members

— Brigadier Inam ul Haq  
 — [Mr. Raja Muhammad Tasneem]<sup>1</sup>  
 Magistrate Class I (Section 30)

## (b) Commission No. 2

- (1) President
- (2) Member

— Brigadier S. M. H. Bokhari  
 — Ch. Abdul Latif Magistrate  
 Class I (Section 30)

1. Re-constituted by M.L.O. No. 27, dated 10th January, 1978.



(c) *Commission No. 3*

- |               |  |
|---------------|--|
| (1) President | — Brigadier Khalid Amin                                |
| (2) Member    | — Ch. Jamshed Ahmed Magistrate<br>Class I (Section 30) |

The above Commission will come into being with immediate effect and have been vested with powers as laid down in Martial Law Order No. 9 dated 7th September, 1977 issued by the Chief Martial Law Administrator.

The above Commissions will examine allegations levied against political leaders or administrators for any malpractices committed by them during the tenure of their office.

## No. 12

[12th September, 1977]

[Cancelled by M. L. O. No. 97, dated 8th June 1978]

## No. 13

[19th September 1977]

1. In pursuance of the powers conferred upon me *vide* CMLO No. 3 (1)(d), I Lieut. General Muhammad Iqbal Khan, Martial Law Administrator, Punjab Zone A, hereby issue the following order with immediate effect to be applicable to the entire province of Punjab.

2. Leases of lands belonging to the Highways Department granted for a term of more than a year, in violation/relaxation of Financial Rules shall, except approaches to Petrol Pumps, stand cancelled and the lands resumed by the Highways Department forthwith.

3. A person aggrieved by this order may make a representation in writing to the M.L.A. within fifteen days of the publication of this order.

## No. 14

[23rd September, 1977]

In pursuance of the powers conferred upon me *vide* CMLO No. 3 para 1(d) dated 5th July 1977, I, Lieut General Mohammad Iqbal Khan, Martial Law Administrator, Punjab Zone A hereby issue the following order with immediate effect for the purpose of undoing invalid allotments of State Lands in the entire Province of Punjab :—

1. Any allotment of State Land made between first day of January 1972 and 4th day of July 1977, which is not covered by any regular scheme issued for the purpose under section 10 of the Colonization of Government Lands (Punjab) Act, 1912, or which has been obtained by using official position or political influence or by means of fraud or misrepresentation of facts in violation or relaxation of any law, rule, condition, policy instructions or orders, may notwithstanding anything contained to the contrary in any law for the time being in force, or any order or decree of a court, tribunal or authority, be cancelled by the Board of Revenue or any officer authorised by them in this behalf :

Provided that no order of cancellation shall be passed without giving the allottee a reasonable opportunity of being heard by the Board of Revenue:

Provided further, that, in case the allottee is not satisfied with the orders of the Board of Revenue, he may, within seven days of passing of such an order by Board of Revenue, make representation to Martial Law Administrator Punjab, who may modify, reverse, or confirm such an order or may provide such other relief as he thinks fit.

*Explanation.*—Allotment includes any grant lease, exchange, sale by private treaty, restoration of a resumed lease or any other transaction so declared by the Board of Revenue".<sup>1</sup>

2. On cancellation of allotment, collector shall resume this land forthwith.

3. No compensation or claim for improvement other than compensation in respect of any standing crops shall be payable by Government to the out-going allottee.

4. The Board of Revenue may issue such instructions as it deems necessary for carrying out the purposes of this Martial Law Order and such instructions shall be deemed to form part of this order and shall have effect accordingly.

#### No. 15

#### ASSETS SCRUTINY COMMITTEES

[25th September, 1977]

1. The Martial Law Administrator, Punjab, Zone A has constituted following Assets Scrutiny Committees for the Province of Punjab with immediate effect :—

##### (a) Assets Scrutiny Committee No. 1

- |               |   |   |
|---------------|---|---|
| (1) President | — | Brigadier Muhammad Taj, SJ & Bar                                |
| (2) Members   | — | (a) Mr. S. M. Munir, Income-tax Officer                         |
|               |   | (b) Rao Mohammad Qadir Khan, Deputy Secretary, Board of Revenue |
|               |   | (c) Mr. Abdul Aziz, Deputy Director, Industries                 |
|               |   | (d) Syed Mohammad Masud, Director, Excise and Taxation          |

##### (b) Assets Scrutiny Committee No. 2

- |               |   |  |
|---------------|---|--|
| (1) President | — | Brigadier Salim Khan   |
| (2) Members   | — | (a) Aqeel Zafar ul Hassan, Income-tax Officer                      |
|               |   | (b) Mr. Mohammad Sadiq Qureshi, Deputy Secretary, Board of Revenue |
|               |   | (c) Mr. Muhammad Sharif, Deputy Director, Industries.              |
|               |   | (d) Mr. Ghulam Ahmad Cheema, Excise and Taxation Officer           |

1. Substituted by Martial Law (Amendment) Order 14, dated 23rd September, 1977.

(c) *Assets Scrutiny Committee No. 3*

- |               |   |   |
|---------------|---|---|
| (1) President | — | Brigadier Raja Rashid Ahmad                                   |
| (2) Members   | — | (a) Mr. Ghazanfar Mirza, Income-tax Officer                   |
|               |   | (b) Rana Mohammad Mukhtar, Deputy Secretary, Board of Revenue |
|               |   | (c) Mr. Muhammad Ali Shaikh, Deputy Director, Industries      |
|               |   | (d) Kazi Altaf Hussain, Excise and Taxation Officer           |

(d) *Assets Scrutiny Committee No. 4*

- |               |   |  |
|---------------|---|--|
| (1) President | — | Brigadier Hayat Ahmad Ansari                               |
| (2) Members   | — | (a) Mr. Shariq Mahmood, Income-tax Officer                 |
|               |   | (b) Mr. Abdul Waheed, Assistant Director, Board of Revenue |
|               |   | (c) Ch Sher Muhammad, Deputy Director, Industries          |
|               |   | (d) Mr. Nazir Ahmad, Excise and Taxation Officer           |

2. **Tasks.** Following tasks have been assigned to the Committees.—

- (a) Assets movable, immovable property and any other assets declared by ex-Ministers, ex-MPAs, ex-MNAs, and ex-Senators in their Assets Declaration Forms and to establish/find out if the assets are acquired through legitimate means or otherwise.
- (b) Determine any irregularity, misconduct, misuse of official position etc in amassing wealth by illegal means.
- (c) Determine if any information/details have been withheld and not declared in the Declaration of Assets.
- (d) Any other tasks that may be assigned by the Martial Law Administrator Punjab, Zone A.

3. Assets Scrutiny Committees are hereby empowered to examine any record, call any witness, demand any document etc needed in connection with the efficient performance of the tasks assigned to them. All these committees will be functioning at Lahore.

## No. 16

## COMMISSIONS OF INQUIRY

[25th September, 1977]

1. In continuation of Martial Law Order No. 11 dated 12th September 1977 the Martial Law Administrator Punjab Zone A has appointed the following Officers of Inquiry Commissions in accordance with the Chief Martial Law Order No. 19 dated 7th September, 1977 issued by Chief Martial Law Administrator :—

(a) *Inquiry Commission No. 4*

- |               |  |
|---------------|--|
| (1) President | — Brigadier Karim Ullah                              |
| (2) Member    | — Mr. Muhammad Akram Magistrate Class I (Section 30) |

(b) *Inquiry Commission No. 5*

- |               |   |
|---------------|---|
| (1) President | — Brigadier M. Ayub Khan                              |
| (2) Member    | — Mr. Nasrullah Khan, Magistrate Class I (Section 30) |

2. The above Commissions will come into being with immediate effect and have been vested with powers as laid down in Chief Martial Law Order No. 19 dated 7th September 1977 issued by the Chief Martial Law Administrator.

3. The above Commissions will examine allegations levelled against political leaders or administrators for any malpractices committed by them during the tenure of their office.

4. The MLA Zone A has entrusted the above Commissions with the task of inquiring into the allegations against the following and any other person whose name may be added to the list :—

(a) *Inquiry Commission No. 4*

- |                                 |                     |
|---------------------------------|---------------------|
| (1) Mr. Ghulam Mustafa Khar     | — Ex Chief Minister |
| (2) Mr. Ghulam Nabi             | — Ex Minister       |
| (3) Ch. Ghulam Nabi             | — Ex MNA            |
| (4) Mr. Mohammad Khan Ch.       | — Ex MNA            |
| (5) Mr. Mohammad Rafiq Ch.      | — Ex MNA            |
| (6) Mr. Shafaat Khan Rao        | — Ex MNA            |
| (7) Mr. Shahadat Khan Rai       | — Ex MNA            |
| (8) Mr. Mohammad Iqbal Tikka    | — Ex MNA            |
| (9) Mr. Ghulam Qadir Ch.        | — Ex MPA            |
| (10) Mr. Javed Hakim Qureshi    | — Ex MPA            |
| (11) Mr. Khalid Nawaz Khan      | — Ex MPA            |
| (12) Mr. Liaquat Hussain Marhal | — Ex MPA            |
| (13) Mr. Mohammad Hanif Naru    | — Ex MPA            |
| (14) Mr. Mohammad Iqbal Shaikh  | — Ex MPA            |
| (15) Qazi Mohammad Ismail Javed | — Ex MPA            |
| (16) Mr. Sana Ullah Khan Malik  | — Ex MPA            |

(b) *Inquiry Commission No. 5*

- |                                    |               |
|------------------------------------|---------------|
| (1) Mr. Meraj Khalid               | — Ex Minister |
| (2) Khawaja Ghulam Suleman Taunsvi | — Ex MNA      |
| (3) Mr. Jehangir Ali Chaudhry      | — Ex MNA      |
| (4) Mr. Khurshid Hasan Mir         | — Ex MNA      |
| (5) Mr. Mohammad Hasan Khan Mian   | — Ex MNA      |
| (6) Mr. Mohammad Sadiq Malik       | — Ex MNA      |

- |                                     |          |
|-------------------------------------|----------|
| (7) Mr. Shahadat Khan Bhatti        | — Ex MNA |
| (8) Malik Ghulam Nabi               | — Ex MPA |
| (9) Mr. Mohammad Hanif Khan Baboo   | — Ex MPA |
| (10) Mr. Mohammad Irshad Ch.        | — Ex MPA |
| (11) Malik Mohammad Khalid          | — Ex MPA |
| (12) Mr. Mohammad Nawaz Ch.         | — Ex MPA |
| (13) Mr. Shabbir Hussain Cheema Ch. | — Ex MPA |
| (14) Mr. Shaukat Ali Ch.            | — Ex MPA |
| (15) Mr. Rustam Khan Baluch         | — Ex MPA |

5. The above-mentioned persons are advised to appear at Assembly Chambers HQ MLA, Zone A before the respective Inquiry Commissions on 27th September, 1977 from 12 Noon to 3 p.m.

No. 17

[26th September, 1977]

[Cancelled by M.L.O. No. 97, dated 8th June 1978]

No. 18

### COMMISSIONS OF INQUIRY

[4th October, 1977]

1. In continuation of Martial Law Order No. 11 dated 12 September, 1977 and Martial Law Order No. 16 dated 25th September, 1977 the Martial Law Administrator, Punjab, Zone A has appointed the following officers to constitute Inquiry Commissions at Division level in accordance with the Martial Law Order No. 19 dated 7th September 1977 issued by Chief Martial Law Administrator :

(a) *Inquiry Commission No. 6 (Lahore Division)*

- |               |   |
|---------------|---|
| (1) President | — Lt Col Muhammad Usman                                 |
| (2) Member    | — Ch. Muhammad Hussain, Magistrate Class I (Section 30) |

(b) *Inquiry Commission No. 7 (Sargodha Division)*

- |               |   |
|---------------|---|
| (1) President | — Lt Col Raja Asghar Ali, SJ                                |
| (2) Member    | — Mr Muhammad Akram Khalid, Magistrate Class I (Section 30) |

(c) *Inquiry Commission No. 8 (Multan Division)*

- |               |  |
|---------------|--|
| (1) President | — Brigadier SM Ilyas                                     |
| (2) Member    | — Sardar Muhammad Aslam, Magistrate Class I (Section 30) |

(d) *Inquiry Commission No. 9 (Bahawalpur Division)*

- |               |   |
|---------------|---|
| (1) President | — Brigadier Sultan Mahmood                              |
| (2) Member    | — Ch. Hamid Ullah Khan, Magistrate Class I (Section 30) |

(e) *Inquiry Commission No. 10 (Rawalpindi Division)*

- (1) President — Group Capt M. Osman Beg  
 (2) Member — Muhammed Iqbal Cheema,  
 Magistrate, Class I (Section 30)

2. The above Commissions will deem to have been effective from 12 September 1977 and have been vested with powers as laid down in Martial Law Order No. 19 dated 7th September 1977 issued by the Chief Martial Law Administrator.

3. These Commissions will investigate/examine allegations levelled against political leaders or administrators for any malpractices committed by them during the tenure of their office.

4. The DMLAs concerned will give them any tasks besides duties/assignment entrusted to them by HQ Martial Law Administrator, Punjab, Zone A.

5. Inquiry Commission No. 4 constituted vide MLO No. 16, dated 25th September 1977 will now be Presided over by Brigadier Syed Sajjad Bokhari vice Brigadier Karim Ullah with immediate effect.

## No. 19

## RECOVERY OF COOPERATIVE DUES

[11th October, 1977]

In pursuance of the powers conferred upon me vide CMLO No. 3 (1) (d) of 5th July 1977, I, Lt General Mohammad Iqbal Khan, Martial Law Administrator, Punjab Zone 'A' hereby issue the following order with regard to loans taken from Co-operative Societies or Co-operative Banks in the Province of Punjab. It shall come into force at once :—

1. Notwithstanding anything contained in any law, rule, order made by any authority or Court (other than the High Court and the Supreme Court) agreement, award or instrument all loans amounting to Rs 5,000.00 or more advanced by the Co-operative Societies or Banks shall be repaid, with simple interest as is ordinarily chargeable, by 10th November, 1977, at the latest :

Provided that an officer or authority appointed in this behalf may accept bank guarantee, share certificates, government bonds or such other tangible security from a defaulter who is unable to pay the loan amount in cash.

2. Non-compliance of this order shall be punishable with imprisonment that may extend to five years or fine, or with both, and the property of the defaulter shall also be liable to confiscation and the sum due would be recoverable out of the sale-proceeds of the confiscated property.

## No. 20

## ASSETS SCRUTINY COMMITTEES

[23rd October, 1977]

1. In continuation of Martial Law Order No. 15, dated 25th September, 1977 the Martial Law Administrator, Punjab, Zone A has appointed the following officers to form assets Scrutiny Committee No. 5 :—

(a) *Assets Scrutiny Committee No. 5*

- (1) President — Brigadier Hussain Khan Khattak
- (2) Members — (a) Mr. Qudrat Ullah, Income-tax Officer, Lahore
- (b) Sardar Elahi Bakhsh Draishak, Assistant Director, Land Records, Lahore
- (c) Mr. Shujaat Ali Khan, Deputy Director, Industries, Lahore
- (d) Mr. Saleem Akhtar, Excise and Taxation Officer, Sheikhpura
- (b) Following amendments will be incorporated in the compositions of Assets Scrutiny Committees composed vide Martial Law Order No. 15 dated 25th September, 1977 :—

(1) *Assets Scrutiny Committee No. 1*

- For : *Member* Mr. Abdul Aziz, Deputy Director, Industries
- Read : *Member* Ch. Muhammad Aslam, Industries Department

(2) *Assets Scrutiny Committee No. 4*

- For : *Member* Ch Sher Muhammad, Deputy Director, Industries
- Read : *Member* Mr Mohammad Anwar, Deputy Director, Industries

2. **Tasks.** Assets Scrutiny Committee No. 5 constituted vide this Martial Law Order will be deemed to have been so constituted with effect from 25th September, 1977 and has been assigned the same tasks/duties and powers as outlined in paras 2 and 3 of Martial Law Order No. 15 dated 25th September, 1977.

## No. 21

## NEW GRAIN MARKET, MULTAN

[19th November, 1977]

I, Lieut General Mohammad Iqbal Khan, Martial Law Administrator Punjab Zone A, in exercise of powers vested in me under Chief Martial Law Administrator Order No. 3 para 1(d) do hereby issue the following order which will come into force with immediate effect :—

“Whereas it is expedient to shift the Grain dealers of Multan to the New Grain Market, constructed by Multan Development Authority at Multan-Vehari Road, Multan, therefore under the provision of this Martial Law Order all persons carrying on any trade specified under the Agricultural Produce Market Act, 1939, within the municipal limits of Multan shall henceforth carry on their business in the new Grain Market constructed by the Market Committee, Multan, on Multan-Vehari Road. All grain merchants shall shift from the old Grain Market to the new Grain Market on Multan-Vehari Road, Multan, within thirty days of the issue of this order”.

## No. 22

## DE-NOTIFICATION—AWAMI REHAISHI TANZEEM PROJECT

[18th December, 1977]

I, Lieut General Mohammad Iqbal Khan, Martial Law Administrator Punjab Zone A, in pursuance of powers conferred upon me *vide* CMLO number 3 para. 1(d) dated 5th July 1977 hereby issued the following Order which shall come into force at once :—

1. Notwithstanding anything to the contrary in any other law for the time being in force, Notification No. S.O. (P)-14-2/73, dated the 26th April, 1974, issued by the Government of the Punjab, Housing and Physical Planning Department, declaring Awami Rehaishi Tanzeem, Registered, Lahore, as an Official Development Agency, is hereby cancelled.

2. The following Notifications under the Punjab Acquisition of Land (Housing) Act, 1973, are hereby cancelled forthwith and all proceedings taken or acts done in pursuance thereof by the Land Acquisition Collector or any functionary of the said Awami Rehaishi Tanzeem shall be deemed to be void and of no legal effect :—

Ser. No.	Name of Scheme/ Katchi Abadi	Notification u/s 4 (1) of the Punjab Acquisition of Land (Housing) Act, 1973		Notification u/s 76 (1) of the Punjab Acquisition of Land (Housing) Act, 1973		Notification u/s 13 of the Punjab Acquisition (Housing) Act, 1973	
		Number	Date	Number	Date	Number	Date
a	b	c	d	e	f	g	h
1.	Karam Nagar Rehman Gunj, Khokhar Town Scheme,	LAC/ 19089	16 Sep. 1974	LAC/ ART/ 508	02 Dec 1974	LAC/ ART/ 439	06 Dec 1974
2.	Chah Motian, Lahore	„	„	LAC/ ART/ 509	„	LAC/ ART/ 440	„
3.	Mali Pura Scheme	„	„	LAC/ ART/ 510	„	LAC/ ART/ 441	„
4.	Amin Colony	LAC/ 19089	16 Sep. 1974	LAC/ ART/ 511	02 Dec 1974	LAC/ ART/ 442	06 Dec 1974
5.	Mehmoodabad	LAC/ 190892	„ „	LAC/ ART/ 512	„ „	LAC/ ART/ 453	„ „



a	b	c	d	e	f	g	h
6.	Siddique Colony Scheme	LAC/19089	„	LAC/ART/513	„	LAC/ART/444	„
7.	Younas Pura Scheme	„	„	LAC/ART/514	„	LAC/ART/445	„
8.	Ferozepur Scheme	„	„	LAC/ART/515	„	LAC/ART/446	„
9.	Chah Qabran-wala Scheme	LAC/19089	16 Sep. 1974	LAC/ART/516	„	LAC/ART/447	
10.	Hajipura	„	„	LAC/ART/517	„	LAC/ART/448	
11.	Ghari Shahu Scheme III	LAC/437	08 Nov. 1974	LAC/ART/530	10 Dec 1974	LAC/ART/24083	13 Dec. 1974
12.	Mian Mir Colony Scheme	LAC/435	„	LAC/ART/532	„	LAC/ART/24081	„
13.	Marzi Pura Scheme	LAC/435	„	LAC/ART/534		LAC/ART/24080	„
14.	Al-Madad Scheme	LAC/436	„	LAC/ART/536		LAC/ART/24082	„
15.	Gondi Pir Phase I	LAC/517	27 May 1975	LAC/ART/34	10 Jun. 1975	LAC/ART/532	24 Jun. 1975
16.	Shuja Colony Scheme	LAC/518	„	LAC/ART/38	„	LAC/ART/	„
17.	Ahata Mool Chaud	Nil	Nil	LAC/ART/39	„	LAC/ART/524	„
18.	Sher Singh Road Scheme	LAC/520	27 May 1975	LAC/ART/37	„	LAC/ART/535	„
19.	Fazlia Colony	LAC/521	„	LAC/ART/33	„	LAC/ART/536	„
20.	Jhalar Sain Jewan Scheme	LAC/522		LAC/ART/40	„	LAC/ART/537	„

a	b	c	d	e	f	g	h
21.	Gondi Pir Phase II	LAC/ 525	„	LAC/ ART/ 35	„	LAC/ ART/ 540	„
22.	Ghari Shahu Phase II	LAC/ 524	„	LAC/ ART/ 36	„	LAC/ ART/ 539	„
23.	Al-Badar Colony	S.O. (P) 14-2/73	26 Apr. 1974	Nil	Nil	LAC/ ART/ 19	Nil
24.	Amin Colony (Chak Kot Begum)	LAC/ 19089	16 Sep. 1974	Nil	Nil	LAC/ ART/ 442	16 Dec 1974
25.	Faiz Bagh	LAC/ 569	09 Sep. 1975	Nil	Nil	Nil	Nil
26.	Duban Pura	LAC/ 570	„	Nil	Nil	Nil	Nil

3. The execution of the projects for development of the Kachi Abadies covered by the notifications referred to in paragraph 2 shall stand transferred to the Lahore Development Authority.

#### No. 23

#### APPOINTMENT OF NEW SMLAs

[18th December, 1977]

In pursuance of the powers conferred upon me *vide* para 1(d) of CMLO No. 3, I, Lieut General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone A, hereby appoint the following officers as Sub-Martial Law Administrators for the districts shown against each :—

(a) Lt Col Habib Ahmad, SJ — Vehari District with effect from  
vice 4th December, 1977.

Brig. Mohammad Mushtaq  
relieved

(b) Lt Col Naseem Ahmad — Campbellpur District for the  
vice period 12th December 77

Brig. Azam Mirza to 29th December 1977.

#### No. 24

#### APPOINTMENT OF NEW DMLA

[22nd December, 1977]

In pursuance of the powers conferred upon me *vide* para. 1(d) of CMLO No. 3, I, Lieut General Mohammad Iqbal Khan, Martial Law Administrator Punjab Zone A hereby appoint Brig. Mohammad Akhlaq Abbasi, SJ, as Deputy Martial Law Administrator of Civil Division Sargodha (Sector 2) for the period from 12th December, 1977 to 28th December 1977 vice Major General S. F. S. K. Lodhi.

## No. 25

## ROAD TRANSPORT DISCIPLINE

[31st December, 1977]

Martial Law Administrator Punjab Zone A, has issued the following order which will be operative with immediate effect in the entire province of Punjab :—

- (a) It has been observed that traffic violations of various nature are being committed by vehicle owners in cities as well as on the high ways. In number of cases these violations have resulted in accidents.
- (b) There is not enough traffic checking staff at present in the Police Department to cover all the areas in cities and on the High Ways. To overcome this problem, it has been decided by Martial Law Administrator Zone A that with immediate effect all constables and staff of Traffic Police are hereby authorised to check defaulters and challan them for traffic offences. In the case of areas in the interior of the province where no traffic police is available, this authority is delegated to Police Head Constable, SHOs and Inspector in their areas of jurisdiction. Following procedure will be adopted :—
  1. Whenever any individual is checked for traffic violation this fact will be recorded in his driving licence by the checking staff in addition to challan.
  2. Any driver committing more than three violations will forfeit his driving licence.
  3. Traffic checking staff who gets 100 defaulters convicted in a month will be given a cash reward to be determined by Inspector General Police.
  4. Traffic checking staff who gets 1000 defaulters convicted in a year will be eligible for accelerated promotion.
  5. Traffic checking staff who do not succeed in affecting any conviction will be considered for posting out of the Branch for reasons of lack of vigilance.

Inspector General Police will frame such instructions as may be necessary for the maintaining of individual traffic staff performance record. Inspector General Police will submit half yearly performance report to Chief Secretary by 30th June and 31st December every year.

## No. 26

## APPOINTMENT OF NEW SMLA

[5th January, 1978]

In pursuance of the powers conferred upon me vide para 1(d) of CMLO No. 3, I, Lieut General Mohammad Iqbal Khan, Martial Law Administrator Punjab Zone A hereby appoint Lieut Colonel Mohammad Aslam Cheema as Sub-Martial Law Administrator Rahim Yar Khan District with effect from 21 December 1977 vice Brigadier Ijaz Ahmed.

## No. 27

## COMMISSIONS OF INQUIRY

[10th January, 1978]

1. In pursuance to powers conferred upon me *vide* Chief Martial Law Administrator Order No. 3, para 1(d), I, Lieut General Mohammad Iqbal Khan, Martial Law Administrator Punjab, Zone A, do hereby appoint the following Inquiry Commission in accordance with Martial Law Order No. 19 dated 07 Sep. 77 issued by the Chief Martial Law Administrator :—

*Inquiry Commission No. 11*

- |               |   |
|---------------|---|
| (a) President | — Brig Salim Khan   |
| (b) Member    | — Mr Raja Mohammad Tasneem,<br>Magistrate Class I (Sec. 30) |

2. Inquiry Commission No. 1 ordered *vide* Martial Law Order No. 11, dated 12 September 77 is re-constituted as under :—

- |           |        |   |
|-----------|--------|---|
| President | “For”  | Brig Inam Ul Haq  |
|           | “Read” | Brig Hussain Khan Khattak with<br>effect from 17 December 77. |

## No. 28

## APPOINTMENT OF NEW SMLA

[12th January, 1978]

In pursuance of powers conferred upon me *vide* para. 1 (d) CMLO-3, I, Lieutenant General Mohammad Iqbal Khan, Martial Law Administrator Punjab Zone A appoint Lieutenant Colonel Bashir Ahmad Bhatti as Sub Martial Law Administrator, Sheikhpura District with effect from 07 January 1978 vice Brigadier Muhammad Saleem Zia relieved.

## No. 29

## APPOINTMENT OF NEW SMLA

[27th January, 1978]

In pursuance of powers conferred upon me *vide* para 1(d) CMLO-3, I, Lieut General Sawar Khan, Martial Law Administrator, Punjab, Zone A appoint Lieutenant Colonel Khuram Jahandur Khan as Sub-Martial Law Administrator, Jhang with effect from 22 January 1978 *vide* Lieutenant Colonel Masud Ahmad relieved.

## No. 30

## FOODSTUFFS DISTRIBUTION ORDER

[31st January, 1978]

1. In pursuance of the powers conferred upon me *vide* CMLO No. 3, para. 1(d), I, Lieut General Sawar Khan, Martial Law Administrator, Punjab, Zone A, hereby promulgate the following Martial Law Order which shall come into force at once and extend to the Province of Punjab.

2. In this Order the terms used shall have the same meanings as are assigned to them in the West Pakistan Foodstuffs Distribution Order, 1967.

3. Notwithstanding anything contained in the West Pakistan Foodstuffs Distribution Order, 1967, the following persons shall be ineligible to apply for or be granted an authorisation under clause 4 of the said Order, namely :—

- (a) Persons aged less than 18 years.
- (b) Persons having a monthly income of Rs. 1,000 or more from any other source ;
- (c) Persons who have been convicted of any offence involving moral turpitude during the period of 10 years preceding the date of application for grant of authorisation.
- (d) Persons who already hold an authorisation in their own name or in the name of any of their relatives or have any interest in any form or manner in any authorisation anywhere in the same District ; and
- (e) Persons who have any of their relatives working in the Food Department of the same District.

*Explanation.*—The term 'relative' for the purpose of this Order means wife, father, son, uncle, mother, brother, sister, nephew, niece, father-in-law, mother-in-law, sister-in-law and brother-in-law.

4. All existing authorisations issued after the first day of July, 1972 to persons who suffered from any of the disqualifications mentioned in para 1 of this Order, and all authorisations cancelled by a District Magistrate, District Food Controller or Rationing Controller, at any time after the fifth day of July, 1977, but before the promulgation of this Order, on the ground that the holders thereof suffered from any of the disqualifications mentioned in that paragraph, shall be deemed to have been cancelled under sub-clause (1) of clause (6) of the West Pakistan Foodstuffs Distribution Order, 1967.

5. (a) Whenever there is a need for grant of any authorisation in a District, the fact shall be publicised in the press or any such other manner as the District Magistrate considers feasible under the local circumstances and application invited from eligible candidates for grant of authorisation on a form to be prescribed by Government and non-refundable fee of Rs. 5 deposited in the Government Treasury.
- (b) The applications shall be scrutinized by the District Allotment Board from the point of view of eligibility and those suffering from any of the disqualifications laid down in para 3 of this Order shall be rejected.
- (c) Any person aggrieved by the decision taken under sub para (b) above may prefer an appeal to the District Magistrate and his order shall be final.
- (d) After scrutiny of the applications under sub-para (b) above, the selection of candidate for grant of authorisation shall be made by a draw of ballot under the supervision of the District Allotment Board :

Provided that, in the case of authorisation for a rural area, preference shall be given to a Cooperative Society, if any, which in the opinion of the District Magistrate has been functioning in the area satisfactorily :

Provided further that in the event of the death of a person holding an authorisation, either alone or jointly with some partner or partners, preference shall be given to the widow or any of the children of the deceased and to the surviving partner or partners, unless the District Magistrate for reasons to be recorded in writing, considers it inappropriate to do so.

- (e) The authorisation shall be issued in the name of the successful candidate subject to the approval of the District Magistrate, but the District Magistrate may, for reasons to be recorded in writing, pass an order refusing to issue an authorisation in the name of a successful candidate.
- (f) In case an authorisation is refused by the District Magistrate he may direct the District Allotment Board to hold a fresh ballot and in that connection he may pass such other order as he deems necessary.
- (g) Any person aggrieved by an order passed under sub-para. (f) above, may prefer an appeal to the Commissioner within 30 days of the said order.

6. This Order shall not be interpreted to over-ride the provisions of the West Pakistan Foodstuffs Distribution Order, 1967, which are not inconsistent with the provisions of this Order.

#### No. 31

#### APPOINTMENT OF NEW DMLA

[31st January, 1978]

In pursuance of the powers conferred upon me *vide* para. 1(d) of CMLO No. 3, I, Lieutenant General Sawar Khan, Martial Law Administrator, Punjab, Zone A, appoint Major General R. A. S. Bukhari as Deputy Martial Law Administrator of Civil Division, Bahawalpur (Sector 4) with effect from 26th January, 1978 vice Major General Ghulam Mohammad relieved.

#### No. 32

#### APPOINTMENT OF NEW SMLA

[6th February, 1978]

In pursuance of the powers conferred upon me *vide* para 1 (d) of CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Administrator Punjab Zone A hereby appoint Brigadier Ijaz Ahmed as Sub Martial Law Administrator, Rahim Yar Khan district with effect from 29th January, 1978 vice Lieutenant Colonel Mohammad Aslam Cheema relieved.

#### No. 33

#### FALSE COMPLAINTS

[8th February, 1978]

No one shall make any complaint to any Martial Law Authority which is false, and which he either knows or believes to be false or does not believe it to be true against any Ministry, Division or Department of the Federal Government or Department of Provincial Government, or any Corporation or Institution set-up, controlled or managed by or under the authority of the Federal Government or a Provincial Govern-

ment including any nationalised Corporation or Institution or against any member of such Ministries, Divisions, Departments, Corporations or Institutions.

Contravention of this Order shall be punishable under Martial Law Regulation No. 18.

#### No. 34

#### CANCELLATION OF MLO

[10th February, 1978]

1. In pursuance of the powers conferred upon me *vide* para. 1 (d) CMLO No. 3, I, Lieutenant General Sawar Khan, Martial Law Administrator Punjab Zone A, hereby cancel the following MLO and MLI with immediate effect.

- (a) Martial Law Order No. 25 dated 31st December, 1977 regarding Road Transport Discipline.
- (b) Martial Law Instruction No. 13 dated 31st July, 1977 regarding additional penalties on road accidents.

2. All cases taken cognizance of under the said MLO and MLI will be dealt with under the Ordinary Law.

#### No. 35

#### APPOINTMENT OF NEW SMLA

[8th February, 1978]

In pursuance of powers conferred upon me *vide* para. 1(d) CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Administrator, Punjab, Zone A appoint Lieutenant Colonel Abdur Rashid as Sub-Martial Law Administrator, Mianwali with effect from 5th February, 1978 *vide* Lieutenant Colonel Mohammad Akram relieved.

#### No. 36

#### APPOINTMENT OF NEW SMLA

[10th February, 1978]

In pursuance of the powers conferred upon me *vide* para. 1 (d) of CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Administrator Punjab Zone A, appoint Brigadier Khurshid Ghias Ahmad as Sub-Martial Law Administrator Rawalpindi District with effect from 11th February, 1978 *vice* Brigadier M Mumtaz Malik relieved.

#### No. 37

#### APPOINTMENT OF NEW SMLA

[13th February, 1978]

In pursuance of the powers conferred upon me *vide* para. 1(d) of CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Administrator Punjab Zone A, appoint Lieutenant Colonel Naseem Ahmed as Sub-Martial Law Administrator Campbellpur District with effect from 8th February, 1978 *vice* Brigadier Azam Mirza relieved.

#### No. 38

#### APPOINTMENT OF NEW SMLA

[15th February, 1978]

In pursuance of the powers conferred upon me *vide* para. 1 (d) of CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Adminis-

trator Punjab Zone A, appoint Brigadier Hamid Jamil as Sub-Martial Law Administrator, Gujranwala District with effect from 7th February, 1978 vice Brigadier Dildar Rana relieved.

## No. 39

## APPOINTMENT OF NEW DMLA AND SMLA

[1st March, 1978]

In pursuance of powers conferred upon me *vide* para. 1(d) of CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Administrator, Punjab, Zone A, hereby appoint the following officers as under :—

- (a) Major General Ghulam Rabbani Khan — Deputy Martial Law Administrator Sector 1 (Lahore Division) with effect from 1st March, 1978.

vice

Major General  
Ahmed Jamal Khan  
relieved.

- (b) Brigadier Mohammad Saleem Zia — Sub-Martial Law Administrator Lahore District with effect from 1st March, 1978.

vice

Brigadier Mohammad  
Salim, SJ, relieved.

## No. 40

## APPOINTMENT OF NEW SMLA

[6th March, 1978]

In pursuance of the powers conferred upon me *vide* para. 1(d) of CMLO 3, I, Lieutenant General Sawar Khan, Martial Law Administrator, Punjab, Zone A, appoint Brigadier Sheikh Mohammad Ilyas as Sub Martial Law Administrator Jhelum District with effect from 1st March 1978 vice Brigadier Sheikh Aftab Ahmad relieved.

## No. 41

## APPOINTMENT OF NEW SMLA

[7th March, 1978]

In pursuance of the powers conferred upon me *vide* para. 1(d) of CMLO No. 3, I, Lieut General Sawar Khan, Martial Law Administrator, Punjab, Zone A, appoint Brig Fayyaz Ahmed Khan as Sub-Martial Law Administrator Attock District with effect from 6th March 1978 vice Lt Col Naseem Ahmed relieved.

## No. 42

## APPOINTMENT OF NEW SMLAs

[11th March, 1978]

In pursuance of powers conferred upon me *vide* para. 1(d) of CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Administrator



Punjab Zone A, hereby appoint the following officers as under :—

- (a) Brig Mian Mohammad — Sub Martial Law Administrator,  
Afzal. Multan District with effect from  
vice 15th March, 1978.  
Brig Mir Abad Hussain  
relieved.
- (b) Brig R. B. Nasar — Sub Martial Law Administrator,  
vice Muzaffargarh District with effect  
Brig Mian Mohammad from 15th March, 1978  
Afzal relieved.
- (c) Lt Col Malik Ata Ur — Sub Martial Law Administrator,  
Rehman Kallue D. G. Khan District with effect  
vice from 15th March, 1978.  
Brig Mohammad Ayub  
relieved.
- (d) Lt Col Mohammad Sub Martial Law Administrator,  
Nasim Chaudhry Sahiwal District with effect from  
vice 15th March, 1978.  
Brig. Muhammad  
Aslam relieved
- (e) Lt Col Safdar Ali Khan Sub Martial Law Administrator,  
Vehari District with effect from  
vice 15th March, 1978.
- Lt Col Habib Ahmed relieved.

#### No. 43

#### APPOINTMENT OF NEW SMLA

[14th March, 1978]

In pursuance of powers conferred upon me *vide* para. 1(d) of CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Administrator Punjab Zone A, appoint Brig M Mumtaz Malik as Sub Martial Law Administrator, Rawalpindi District with effect from 13th March, 1978 vice Brig Khurshid Ghias Ahmed relieved.

#### No. 44

#### SUMMARY MILITARY COURTS

[14th March, 1978]

In exercise of powers conferred upon me *vide* para. 6 of CMLO-4, I, Lieutenant General Sawar Khan, Martial Law Administrator, Punjab Zone A hereby empower the following officers to hold the Summary Military Courts as shown against each for the trial of such offenders as may be brought before them from time to time :—

- |   |   |
|---|---|
| PA-12486 Maj Farakh<br>Jamshed Chohan       | President Summary Military<br>Court No. 2 for District Lahore<br>with immediate effect. |
| PA-10580 Maj Iftikhar Ahmed<br>vice         | President Summary Military<br>Court No. 20 for District                                 |
| PA-6168 Lt Col Salahuddin Khan<br>relieved. | Jhelum with effect from 8th<br>March, 1978.   |

## No. 45

## SPECIAL MILITARY COURT No. 8

[15th March, 1978]

In exercise of powers conferred upon me by Chief Martial Law Administrator *vide* para. 4 of MLO-4, I, Lieutenant General Sawar Khan Martial Law Administrator Punjab Zone A hereby convene Special Military Court No. 8 of Martial Law Zone A for Sector I (Lahore Division) for the trial of such offenders as may be brought before the Court from time to time and to consist of :—

President	—	PA-6102 Lt Col Abdur Rashid Anwar	28FF
Members :	—	1. PSS-10402 Maj Mohammad Ramzan	21FF
		2. Mr Abdul Khaliq Khawarزمي, Magistrate Sec. 30	
Waiting Member		PA-12971 Capt Mirza Ali Khan	117 Med Regt

## No. 46

[25th March, 1978]

## APPOINTMENT OF NEW SMLA

In pursuance of powers conferred upon me *vide* para. I(d) of CMLO-3, I, Lieutenant General Sawar Khan, Martial Law Administrator Punjab Zone A, appoint Brigadier Salim Khan as Sub Martial Law Administrator, Jhelum District with effect from 24th March, 1978 vice Brigadier Sheikh Mohammad Ilyas relieved.

## No. 47

## SPECIAL MILITARY COURT No. 5

[26th March, 1978]

I, Lieutenant General Sawar Khan, Martial Law Administrator, Punjab, Zone A hereby convene Special Military Court No. 5 of Martial Law Zone A for Sector 5 (Rawalpindi Division) with effect from 25th March 1978 for the trial of such offenders as may be brought before the Court from time to time and to consist of :—

President	—	PA 6548 Lt Col Mazhar Ud Din Siddiqui, 52 Cav
Members	—	1. PTC-4315 Major Mohammed Sarwar
		2. Rana Mohammad Rafique, Magistrate

Special Military Court No. 5 convened on 26th February, 1978 is hereby dissolved.

## No. 48

## SUMMARY MILITARY COURT

[28th March, 1978]

In exercise of powers conferred upon me *vide* para. 6 of CMLO-4, I, Lieutenant General Sawar Khan, Martial Law Administrator, Punjab

Zone A, hereby empower the following officer to hold the Summary Military Court as shown against him for the trial of such offenders as may be brought before him from time to time :—

PA-7411 Maj Amjad Shuhaib  
76 FD Regt Arty

President Summary Military  
Court No 17 for District  
Rahimyar Khan with effect  
from 25th March, 1978

*vice*

PA-7081 Maj Nasir Saadat 17 FF

**No. 49**

### APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

*[30th March, 1978]*

PSS-15733 Maj Khadim Hussain is appointed as President Summary Military Court No. 3, Sheikhpura vice PSS-9956 Maj Asad Ullah Khan with effect from 28th March, 1978.

**No. 50**

### APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

*[30th March, 1978]*

PSS-8525 Maj Rahat Khan is appointed as President Summary Military Court No. 16 Bahawalnagar vice PSS-6145 Maj Zahoor Hussain Shah with effect from 18th March, 1978

**No. 51**

### APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

*[1st April, 1978]*

PA-11533 Major Syed Muhammad Muftaba is appointed as President Summary Military Court No. 10, Multan vice PSS-9513 Major Mohammad Nawaz Saqi, Gujar with effect from 22nd April, 1978.

**No. 52**

### APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

*[1st April, 1978]*

PA-13309 Major Ehtesham Zamir is appointed as President Summary Military Court No. 26 Multan vice PSS-8911 Major Arshed Zaman Shaid with effect from 2nd April 1978.

**No. 53**

### APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

*[1st April, 1978]*

PSS-11705 Major Mohammad Mukhtar is appointed as President Summary Military Court No. 27 Multan vice PSS-9824 Major Pervaiz Akhtar with effect from 2nd April, 1978.

**No. 54**

### APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

*[1st April, 1978]*

PA-7277 Major Riaz Ahmad is appointed as President Summary Military Court No. 11 Muzaffargarh vice PA-6958 Major Mohammad Iqbal Khan with effect from 2nd April, 1978.

## No. 55

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[1st April, 1978]

PA-7413 Major Muhammad Inayat is appointed as President, Summary Military Court No. 28, Muzaffargarh vice PA-11533 Major Syed Muhammad Mujtaba with effect from 2nd April, 1978.

## No. 56

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[1st April, 1978]

PSS-15040 Major Jamil Akhtar is appointed as President Summary Military Court No. 12 Dera Ghazi Khan vice PA-8140 Major Ghulam Akbar Khan with effect from 2nd April, 1978.

## No. 57

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[1st April, 1978]

PA-7774 Major Saleh-ud-Din Ahmad Tahir is appointed as President Summary Military Court No. 13 Sahiwal vice PA-7287 Major Aziz Ul Haq Mirza with effect from 2nd April, 1978.

## No. 58

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[1st April, 1978]

PA-10284 Maj Mohammad Salim is appointed as President Summary Military Court No. 30 Sahiwal, vice PA-12021 Maj Waqar Asim with effect from 2nd April, 1978.

## No. 59

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[1st April, 1978]

PA-7926 Major Syed Iftikhar Hussain Zaidi is appointed as President Summary Military Court No. 14 Vehari vice PA-10216 Major Syed Zaheer Ud Din Kadri, PSC with effect from 2nd April, 1978.

## No. 60

APPOINTMENT OF DEPUTY MARTIAL  
LAW ADMINISTRATOR

[2nd April, 1978]

PA-4792 Brigadier Mir Abad Hussain, PSC is appointed as Deputy Martial Law Administrator Sector-3 Multan vice Major General Ejaz Azim with effect from 2nd April, 1978.

## No. 61

## CONSTITUTION OF SPECIAL MILITARY COURT No. 6

[6th April 1978]

Special Military Court No. 6 for Sector 1 (Lahore Division) is reconstituted as under with effect from 8th April, 1978 :—

Lt Col Salah ud Din Tirmizi — President of the Court vice  
Lt Col. Rouniq Ali

Major Muhammad Raza	—	Member of the Court vice Capt Muhammad Irfan
Mr. Abdul Rashid	—	Member of the Court vice Malik Muhammad Afzal Awan, Magistrate Class I

No. 62

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[11th April, 1978]

PA-5548 Brigadier Rahat Aman Ullah Bhatti is appointed as Sub Martial Law Administrator Sector-2 Bahawalnagar vice Brigadier Mansur Ul Haq Malik with effect from 10th April, 1978.

No. 63

APPOINTMENT OF DEPUTY MARTIAL  
LAW ADMINISTRATOR

[16th April, 1978]

Major General Ejaz Azim is appointed as Deputy Martial Law Administrator Sector 3 Multan vice Brigadier Mir Abad Hussain with effect from 16th April, 1978.

No. 64

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[19th April, 1978]

Major Sajjad Haider is appointed as President Summary Military Court No. 13 Sahiwal vice Major Salah-ud-Din Ahmad Tahir with effect from 13 April 1978.

No. 65

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[19th April, 1978]

Brigadier Chowdhry Ghulam Muhammad is appointed as Sub-Martial Law Administrator Mianwali vice Lt Col Abdul Rashid with effect from 1st May, 1978.

No. 66

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[20th April, 1978]

Lt Col Mohammad Ashraf is appointed as Sub-Martial Law Administrator Kasur vice Lt Col Aman Ullah Khan Niazi with effect from 24th October, 1977.

No. 67

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[28th April, 1978]

Lt Col Aman Ullah Khan Niazi is appointed as Sub Martial Law Administrator Kasur vice Lt Col Mohammad Ashraf with effect from 11th January 1978.

No. 68

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[24th April, 1978]

Major Altaf Hussain is appointed as President Military Court No. 9, Faisalabad vice Major Faiz-ur-Rehman with effect from 20th April, 1978.

## No. 69

## COMMISSION OF INQUIRY

[24th April, 1978]

Inquiry Commission No. 3 ordered *vide* Martial Law Order No. 11 dated 12th September, 1977 is re-constituted as under :-

Member "For" — Ch Jamshed Ahmed Magistrate Class I (Section 30)

"Read" — Syed Tajammal Abbas Magistrate Class I (Section 30) w.e.f. 8th January, 1978 to 31st March, 1978.

## No. 70

## COMMISSION OF INQUIRY

[24th April, 1978]

Inquiry Commission No. 3 ordered *vide* Martial Law Order No. 11 dated 12th September, 1977 is reconstituted as under with effect from 6th April, 1978 :—

(a) President — Brig Khalid Amin

(b) Members — 1. Mr. Habib ur Rehman, Magistrate, Class I (Section 30)  
2. Mr. Mohammad Iqbal Deputy Settlement Commissioner, Settlement Department.

## No. 71

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[30th April, 1978]

Major Mohammad Alam is appointed as President Summary Military Court No. 39 Rawalpindi vice Major Najam Ur Rehman with effect from 2nd May, 1978.

## No. 72

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[2nd May, 1978]

Brigadier Agha Manzoor Rauf is appointed as Sub Martial Law Administrator, District Rahimyar Khan vice Brigadier Ijaz Ahmad with effect from 30th April, 1978.

## No. 73

## APPOINTMENT OF DEPUTY MARTIAL LAW ADMINISTRATOR

[2nd May, 1978]

Brigadier Muhammad Saleem Zia Sub Martial Law Administrator, District Lahore is appointed as Officiating Deputy Martial Law Administrator Sector-1 Lahore vice Major General Ghulam Rabbani Khan since proceeded on leave from 2nd May, 1978 to 7th May, 1978.

## No. 74

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[5th May, 1978]

Major Muhammad Saeed Azam Khan is appointed as President Summary Military Court No. 18, Rawalpindi vice Major Syed Fazli Wadud with effect from 5th May, 1978.

## No. 75

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[4th May, 1978]

Major Farid Sabir is appointed as President Summary Military Court No 14 Vehari vice Major Syed Iftikhar Hussain Zaidi with effect from 1st May, 1978.

## No. 76

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[4th May, 1978]

Major Khalid Iqbal is appointed as President Summary Military Court No. 37, Lahore vice Major Zubair Latif Bajwa with effect from 4th May, 1978.

## No. 77

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[4th May, 1978]

Major Mohammad Mumtaz is appointed as President Summary Military Court No. 2 Lahore vice Major Farakh Jamshed Chohan with effect from 4th May, 1978.

## No. 78

## CONSTITUTION OF SPECIAL MILITARY COURT No. 7

[4th May, 1978]

Special Military Court No. 7 for Section 1. (Lahore Division) is reconstituted as under with effect from 10th May 1978 :—

President :

PA-6411 Lt Col Abdur Razzaq

Members :

1. PSS-10772 Major Mohammad Akbar

2. Ch Mohammad Jahangir Khan, Magistrate Class 1

vice

Ch Mohammad Ashraf, Magistrate Class 1

## No. 79

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[11th May, 1978]

Major Fazal Raheem is appointed as President, Summary Military Court No. 32, Gujranwala vice Major Mohammad Salim with effect from 22nd May, 1978.

## No. 80

[Order not received]

## No. 81

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[15th May, 1978]

Major Faqir Mohammad is appointed as President Summary Military Court No. 6, Sargodha vice Major Khalil ur Rehman with effect from 1st June, 1978.

## No. 82

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[7th May, 1978]

Brigadier Asad Ullah Khan is appointed as Sub Martial Law Administrator Sub Sector 2 Kasur vice Lt Col Aman Ullah Khan Niazi with effect from 7th May, 1978.

## No. 83

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[10th May, 1978]

Brigadier Javaid Majid is appointed as Sub Martial Law Administrator Sub Sector 5 Sialkot vice Brigadier Malik Mohammad Sarfraz Khan with effect from 10th May, 1978.

## No. 84

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[11th May, 1978]

Lt Col Imtiaz Ahmed Khan is appointed as Sub Martial Law Administrator Sub Sector 3 Sheikhpura vice Lt Col Bashir Ahmed Bhatti with effect from 11th May, 1978.

## No. 85

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[12th May, 1978]

Major Mohammad Mushtaq is appointed as President Summary Military Court No. 41 Wah Cantonment and Sanjwal Factory Area with effect from 13th May, 1978.

## No. 86

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[22nd May, 1978]

Major Latif Akbar is appointed as President Summary Military Court No. 8 Jhang District vice Major Manzoor Ahmed with effect from 20th May, 1978.

## No. 87

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[23rd May, 1978]

Lt Col Jafar Hasan Humayun is appointed as Sub Martial Law Administrator Jhang vice Lt Col Khuram Jahandur Khan with effect from 25th May, 1978.



## No. 88

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[25th May, 1978]

Major Mohammad Saddique Akbar Farooqi is appointed as President Summary Military Court No. 14 Vehari District vice Major Farid Sabir with effect from 20th May, 1978.

## No. 89

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[25th May, 1978]

Major Anwar UI Haq is appointed as President Summary Military Court No 38, Kasur vice Major Bahadar Shah with effect from 23rd May, 1978.

## No. 90

## APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[27th May, 1978]

Lt Col Muhammad Jamil is appointed as Sub Martial Law Administrator, Mianwali vice Brig Chowdhry Ghulam Muhammad with effect from 27th May, 1978.

## No. 91

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[2nd June, 1978]

Major Ahmed Abid Bukhari is appointed as President Summary Military Court No 16, Bahawalnagar vice Major Rahat Khan with effect from 1st June, 1978.

## No. 92

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[3rd June, 1978]

PA-12055 Major Amjid Shafee is appointed as President Summary Military Court No. 3, Sheikhpura vice Major Khadim Hussain with effect from 1st June, 1978.

## No. 93

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[3rd June, 1978]

PSS-9034 Major Mujeeb-ur-Rehman Sheikh is appointed as President Summary Military Court No. 32, Gujranwala vice Major Fazal Raheem with effect from 1st June, 1978.

## No. 94

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[3rd June, 1978]

PA-12036 Major Mohammad Khalid is appointed as President Summary Military Court No. 36, Lahore vice Major Tahir Ali w.e.f. 1st June 1978.

## No. 95

## CONSTITUTION OF SPECIAL MILITARY COURT No. 9

[3rd June, 1978]

Special Military Court No. 9 for District Sheikhpura (Sector 1

Lahore Division) is reconstituted as under with effect from 1st June, 1978 :—

- President : PA-6249 Lt Col Sultan Haider  
Members : 1. PA-7305 Maj Mohammad Naeem Khan  
2. Mr Babar Khan Nasir (Magistrate Class I)  
Waiting Member : PSS-14773 Capt A M Sahu  
No. 96

#### CONSTITUTION OF SPECIAL MILITARY COURT No. 10

[3rd June, 1978]

Special Military Court No. 10 for District Kasur (Sector 1 Lahore Division) is constituted as under with effect from 1st June, 1978 :—

- President : PA-6870 Lt Col Mohammad Younis  
Members : 1. PA-13288 Capt Mohammad Saeed  
2. Mr Samiullah Abad (Magistrate Class I)

#### AMENDMENT TO MARTIAL LAW ORDER

No. 96

[21st June, 1978]

PA-12968 Capt Munir Ahmed Banday is appointed as member Special Military Court No. 10 Kasur (Sector 1 Lahore Division) vice Capt Mohammad Saeed with effect from 15th June, 1978.

No. 97

#### CANCELLATION OF MLOS

[8th June, 1978]

1. Following Martial Law Orders are hereby cancelled with immediate effect :—

- (a) Martial Law Order No. 3 dated 9th July, 1977.
- (b) Martial Law Order No. 4 dated 9th July, 1977.
- (c) Martial Law Order No. 6 dated 12th July, 1977.
- (d) Martial Law Order No. 9 dated 29th July, 1977.
- (e) Martial Law Order No. 12 dated 12th September, 1977.
- (f) Martial Law Order No. 17 dated 26th September, 1977.

2. The cancellation of the said Martial Law Orders shall not affect the previous operation thereof, and anything done, action taken, obligation, liability, penalty or punishment incurred or proceedings commenced shall be deemed to have been properly and validly done, taken, incurred or commenced, as the case may be.

No. 98

#### APPOINTMENT OF SUB-MARTIAL LAW ADMINISTRATOR

[8th June, 1978]

PA-5208 Brigadier Sardar Khan is appointed as Sub Martial Law Administrator, Faisalabad vice PA-4587 Brigadier Mohammad Akhlaq Abbassi with effect from 23rd June, 1978.

## No. 99

## CONSTITUTION OF SPECIAL MILITARY COURT No. 11

[8th June, 1978]

Special Military Court No. 11 for District Faisalabad (Sector 2 Sargodha Division) is constituted as under with effect from 7th June, 1978 :—

- President : PA-6902 Lt Col Ahmed Sultan
- Members : 1. PSS-14618 Capt Mohammad Shahid Shah  
2. Mr Akram Khalid, Magistrate Class 1

## No. 100

## RECONSTITUTION OF SPECIAL MILITARY COURT No. 3

[8th June, 1978]

Special Military Court No. 3 for Sector 3 (Multan Division) is reconstituted as under with effect from 15th June, 1978 :—

- President : PA-7133 Lt Col Akhlaq Ahmed
- Members : 1. PSS-6152-Maj Abdul Qadeer  
2. Mr Mumtaz Ahmed Qureshi, Magistrate Class 1
- Waiting Member : PSS-11216 Maj Mohammad Yasin Malik

## No. 101

## RECONSTITUTION OF SPECIAL MILITARY COURT No. 4

[8th June, 1978]

Special Military Court No. 4 for District Bahawalpur (Sector 4 Bahawalpur Division) is reconstituted as under with effect from 7th June, 1978 :—

- President : PA-7029 Lt Col Maqsood Ali Khan
- Members : 1. PSS-8770 Maj Mohammad Riaz Amin  
2. Mehr Khyzer Hayat, Magistrate Class 1 (Section 30)

## No. 102

## RECONSTITUTION OF SPECIAL MILITARY COURT No. 2

[8th June, 1978]

Special Military Court No. 2 for Sector 2 (Sargodha Division) is reconstituted as under with effect from 10th June, 1978 :—

- President : PA-6382 Lt Col Mohammad Yousaf Saad
- Members : 1. PSS-14226 Capt Ishtiaq Hussain Qureshi  
2. Mr. Rai Shabbir Ahmad, Magistrate Class 1

## No. 103

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[8th June, 1978]

PSS-8164 Major Muhammad Khucaib Anwar is appointed as President Summary Military Court No. 17, Rahimyar Khan vice PA-7411 Major Amjad Shuaib with effect from 3rd June, 1978.

## No. 104

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[8th June, 1978]

PSS-7651 Major Masud Pervez is appointed as President, Summary Military Court No. 18, Rawalpindi vice PA-6894 Major Muhammad Saeed Azam Khan with effect from 10th June, 1978.

## No. 105

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT

[8th June, 1978]

PSS-11936 Major Saeed ul Zafar is appointed as President, Summary Military Court No. 19, Attock vice PSS-10293 Major Muhammad Sarwar Pervez with effect from 10th June, 1978.

## No. 106

## APPOINTMENT OF DEPUTY MARTIAL LAW ADMINISTRATOR

[17th June, 1978]

PA-4766 Brigadier M. Mumtaz Malik SJ is appointed as Deputy Martial Law Administrator, Sector 5, Rawalpindi vice Major-General Shah Rafi Alam SJ with effect from 17th June, 1978.

## No. 107

## RECONSTITUTION OF SPECIAL MILITARY COURT No. 8

[18th June, 1978]

Special Military Court No. 8 for Sector 1 (Lahore Division) is reconstituted as under with effect from 15th June, 1978 :-

President : PA-6212 Lt.-Col. S. Jamhoor Shah

Members : 1. PSS-10402 Maj. Mohammad Ramzan  
2. Mr. Muhammad Musa, Magistrate, Section 30

Waiting members : 1. PA-12971 Capt. Mirza Ali Khan

2. PSS-15143 Capt. Nigar Hussain

3. PSS-15484 Capt. Hamid Masood

## No. 108

## APPOINTMENT OF DEPUTY MARTIAL LAW ADMINISTRATOR

[18th June, 1978]

PA-3238 Brigadier Sabir Hussain Qureshi is appointed as Deputy Martial Law Administrator, Sector 2, Sargodha vice PA-3575 Major, General Sardar F. S. Lodhi with effect from 15th June, 1978.

## No. 109

## APPOINTMENT OF PRESIDENT, SUMMARY MILITARY COURT,

[21st June, 1978]

PSS-11836 Major Muhammad Ghyour ul Hassan is appointed as President, Summary Military Court No. 20, Jhelum vice Major Iftikhar Ahmad with effect from 2nd June, 1978.

# INSTRUCTIONS

By

## MARTIAL LAW ADMINISTRATOR, ZONE 'A'

### Instruction No. 1

#### MARTIAL LAW INSTRUCTIONS

[9th July, 1977]

1. For the purpose of administering Martial Law, the province of Punjab has been divided into five sectors and Deputy Martial Law Administrators are appointed as shown under :-

- (a) **Sector No. 1.** Civil Division of Lahore, Deputy Martial Law Administrator, Major-General Ahmed Jamal Khan, Headquarters located at Lahore Cantt.
- (b) **Sector No. 2.** Civil Division of Sargodha, Deputy Martial Law Administrator, Maj. General S.F.S. Lodhi, Headquarters located at Sargodha.
- (c) **Sector No. 3.** Civil Division of Multan, Deputy Martial Law Administrator, Major-General Ejaz Azeem, Headquarters located at Multan Cantt.
- (d) **Sectors No. 4.** Civil Division of Bahawalpur, Deputy Martial Law Administrator, Major-General Ghulam Mohammad, Headquarters located at Bahawalpur.
- (e) **Sector No. 5.** Civil Division of Rawalpindi and Federal Capital Area. Deputy Martial Law Administrator, Major-General Shah Rafi Alam, SJ, Headquarters located at Rawalpindi.

2. Deputy Martial Law Administrators may appoint Sub-Martial Law Administrators at District level.

### Instruction No. 2

[10th July, 1977]

Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab Zone 'A' has established Provincial Public Complaint Centre at Punjab Assembly Chamber (Faisal Chowk, Lahore) to redress the genuine problems of Public. Brigadier M. Fayyaz Ghani has been appointed as Chairman of the Centre. Similar Public Complaint Centres will also be established at important towns/cities in various sectors of Punjab under the orders of the Deputy Martial Law Administrators. The applicants are advised to comply with following conditions before making any complaint :-

- (a) Applicants must disclose their full identity and address. Anonymous complaints will not be entertained/acted upon.
- (b) Applicants will ensure that they have sufficient evidence available which can substantiate their complaints.
- (c) Petitions/Complaints of matters pending before courts will not be considered.

- (d) Making of false statement or suppressing material facts will make the applicants liable for prosecution.
- (e) At the end of the application, applicant will give a certificate that what is stated in the application is true to the best of his knowledge and honour.

Public Complaint Centre at Lahore has the following telephones :-

- (a) 68766
- (b) 310635
- (c) 57181

### Instruction No. 3

[10th July, 1977]

1. Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab Zone 'A' has appointed the following Provincial Inspection Teams which are located at Assembly Chambers, Lahore :-

- (a) Inspection Team No. 1 Chairman—Brigadier Inamul Haq.
- (b) Inspection Team No. 2 Chairman—Brigadier Khalid Amin.

2. Following tasks have been assigned to these Inspection Teams :-

- (a) Inspect and supervise the functioning of various administrative establishments and local bodies as directed by Martial Law Administrator.
- (b) Investigate serious cases affecting the law and order, general public corruption, and Government property, etc.
- (c) Any special task that may be assigned by the Martial Law Administrator, Punjab Zone 'A'.

Similar inspection teams are being appointed by the Deputy Martial Law Administrators in various Sectors of Punjab.

### Instruction No. 4

[10th July, 1977]

1. Corruption is one of the worst evils in the society. In an Islamic State like ours such practices have done an irreparable loss to the society. We are all answerable to God Almighty for these evils. Let us all search our hearts and help our society to flourish in the true values of Islam.

2. All citizens are expected to co-operate by stopping illegal gratifications. Let us suffer the delay but not suffer the conscience.

3. Martial Law Administrator, Punjab Zone 'A' has decided that hereafter all cases of corruption will be investigated by Army Officers official and culprits dealt with by Military Courts.

### Instruction No. 5

[10th July, 1977]

It has been noticed that visitors normally disturb the administrators inefficiently performing their duties during working hours. Martial Law Administrator, Punjab, Zone 'A' directs that no visitor will be allowed to visit any official/office before 12-00 noon except those on official duty/purpose.

Visiting hours will be restricted from 12-00 noon to 2.00 p. m. on all working days and 11-00 a. m. to 12-00 noon on Thursdays.

Deputy Martial Law Administrators will ensure implementation of these instructions in their sectors.

### Instruction No. 6

[10th July, 1977]

Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone 'A' has appointed the following Sub-Martial Law Administrators in Punjab. They will be working in close co-operation with District Administration and will be directly under respective Deputy Martial Law Administrators.

#### Sector No. 1. Civil Division of Lahore.

- |                          |                                 |
|--------------------------|---------------------------------|
| (a) Lahore District.     | Brigadier Mohammad Salim, SJ    |
| (b) Sheikhpura District. | Brigadier Raja Rashid Ahmad.    |
| (c) Kasur District.      | Brigadier Hayat Ahmad Ansari.   |
| (d) Gujranwala District. | Brigadier Dildar Rana.          |
| (e) Sialkot District.    | Brigadier Syed Shujaat Hussain. |

#### Sector No. 2. Civil Division of Sargodha.

- |                        |                                       |
|------------------------|---------------------------------------|
| (a) Sargodha District. | Brigadier M. Aziz Ahmad Khan.         |
| (b) Mianwali District. | Lt.-Col. Zafar Ali.                   |
| (c) Jhang District.    | Lt.-Col. M. Afzal Khan.               |
| (d) Lyallpur District. | Brigadier Muhammad Akhlaq Abbasi, SJ. |

#### Sector No. 3. Civil Division of Multan.

- |                            |                                |
|----------------------------|--------------------------------|
| (a) Multan District.       | Brigadier Mir Abad Hussain.    |
| (b) Muzaffargarh District. | Brigadier Mian Muhammad Afzaal |
| (c) D.G. Khan District.    | Brigadier Muhammad Ayyub.      |
| (d) Vehari District.       | Lt.-Col. M. Sunawar Khan.      |
| (e) Sahiwal District.      | Brigadier Aman-ur-Rehman.      |

#### Sector No. 4. Civil Division of Bahawalpur.

- |                              |                                 |
|------------------------------|---------------------------------|
| (a) Bahawalpur District.     | Brigadier Syed Amir Asad Ullah. |
| (b) Bahawalnagar District.   | Brigadier Mansur-ul-Haq Malik.  |
| (c) Rahim-yar-Khan District. | Brigadier Ijaz Ahmad.           |

#### Sector No. 5. Civil Division of Rawalpindi.

- |  |                                |
|--|--------------------------------|
| (a) Rawalpindi District and Federal Capital Area | Brigadier Imtiaz Warraich, SJ  |
| (b) Campbellpur District.                        | Brigadier Mohammad Azam Mirza. |
| (c) Jhelum District.                             | Brigadier Sheikh Aftab Ahmad.  |
| (d) Gujrat District.                             | Brigadier Farooq Shahbaz Khan. |

**AMENDMENT TO MARTIAL LAW INSTRUCTION****NO. 6 DATED 10th JULY 1977****APPOINTMENT OF NEW SMLA***[8th November, 1977]*

I, Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone A, in partial modification to Martial Law Instruction No. 6 dated 10th July 1977, hereby appoint Brigadier Mohammad Sarfraz Khan as Sub-Martial Law Administrator, Sialkot vice Brigadier Shujaat Hussain with effect from 10th November, 1977.

**Instruction No. 7***[11th July, 1977]*

1. In exercise of the powers conferred upon me, by the Chief Martial Law Administrator, I, Lieut-General Muhammad Iqbal Khan, Martial Law Administrator (Punjab) Zone 'A' constitute the following Special Military and Summary Military Courts, in the Province of Punjab :—

**(a) Special Military Court No. 1***Jurisdiction : Civil Division Lahore (Sector No. 1)*

- |               |     |                            |
|---------------|-----|----------------------------|
| (1) President | ... | Lt.-Col. Waqar Aseer Ahmad |
| (2) Members   | ... | Maj. Riaz-ul-Haq.          |
|               |     | Mr. Muhammad Munawwar,     |
|               |     | Magistrate Class I.        |

**(b) Special Military Court No. 2***Jurisdiction : Civil Division Sargodha (Sector No. 2)*

- |               |     |                                |
|---------------|-----|--------------------------------|
| (1) President | ... | Lt.-Col. Muhammad Yousaf Saad. |
| (2) Members   | ... | Capt. Imran Butt.              |
|               | ... | Mr. Rai Shabbir Ahmad,         |
|               |     | Magistrate Class I.            |

**(c) Special Military Court No. 3***Jurisdiction : Civil Division Multan (Sector No. 3)*

- |               |     |                                      |
|---------------|-----|--------------------------------------|
| (1) President | ... | Lt.-Col. R.B. Nasir.                 |
| (2) Members   | ... | Maj. Abdul Qadeer.                   |
|               | ... | Ch. Nazir Ahmad, Magistrate Class I. |

**(d) Special Military Court No. 4***Jurisdiction : Civil Division Bahawalpur (Sector No. 4)*

- |               |     |                           |
|---------------|-----|---------------------------|
| (1) President | ... | Lt.-Col. Muhammad Sharif. |
| (2) Members   | ... | Maj. Pervaiz Afzal.       |
|               | ... | Mr. Mansoor Ahmad Bajwa.  |
|               |     | Magistrate Class I.       |

**(e) Special Military Court No. 5***Jurisdiction : Civil Division, Rawalpindi*

- |               |     |                                 |
|---------------|-----|---------------------------------|
| (1) President | ... | Lt.-Col. Bashir-ud-Din Khattak. |
|---------------|-----|---------------------------------|



- (2) Members ... Major Pir Muslim.  
 ... Mr. Muzaffar Hussain Zaidi,  
 Magistrate Class I.

### SUMMARY MILITARY COURTS

**(f) Summary Military Court No. 1**

*Jurisdiction* : Lahore District

President ... Major Nisar Ahmad Khan Sherwani.

**(g) Summary Military Court No. 2**

*Jurisdiction* : Kasur District.

President ... Major Muhammad Akram.

**(h) Summary Military Court No. 3**

*Jurisdiction* : Sheikhpura District.

President ... Major Muhammad Ramzan Shah.

**(j) Summary Military Court No. 4**

*Jurisdiction* : Sialkot District.

President ... Major Shamshad Ali Khan.

**(k) Summary Military Court No. 5**

*Jurisdiction* : Gujranwala District

President ... Major Naseer Ahmad Khan.

**(l) Summary Military Court No. 6**

*Jurisdiction* : Sargodha District

President ... Major Masood Ahmad.

**(m) Summary Military Court No. 7**

*Jurisdiction* : Mianwali District

President ... Major Qazi Tallat Mahmud.

**(n) Summary Military Court No. 8**

*Jurisdiction* : Jhang District

President ... Major Shahzad Hussain Khan.

**(o) Summary Military Court No. 9**

*Jurisdiction* : Lyallpur District

President ... Major Fiaz-ur-Rehman.

**(p) Summary Military Court No. 10**

*Jurisdiction* : Multan District

President ... Major Ghulam Ahmad.

**(q) Summary Military Court No. 11**

*Jurisdiction* : Muzaffargarh District

President ... Major Muhammad Iqbal Khan.

**(r) Summary Military Court No. 12**

*Jurisdiction* : Dera Ghazi Khan District

President ... Major Muhammad Akram Khan.

**(s) Summary Military Court No. 13***Jurisdiction* : Sahiwal District

President ... Major Muhammad Akram.

**(t) Summary Military Court No. 14***Jurisdiction* : Vehari District

President ... Major Rafaqat Ali.

**(u) Summary Military Court No. 15***Jurisdiction* : Bahawalpur District

President ... Major Liaquat Ali.

**(v) Summary Military Court No. 16***Jurisdiction* : Bahawalpur District

President ... Major R.M. Lawrence.

**(w) Summary Military Court No. 17***Jurisdiction* : Rahim Yar Khan District

President ... Lt.-Col. Rauf Ahmad.

**(x) Summary Military Court No. 18***Jurisdiction* : Rawalpindi District

President ... Major Fazle Wadood.

**(y) Summary Military Court No. 19***Jurisdiction* : Campbellpur District

President ... Major Rahman Khan.

**(z) Summary Military Court No. 20***Jurisdiction* : Jhelum District

President ... Major Salah-ud-Din Khan.

**(aa) Summary Military Court No. 21***Jurisdiction* : Gujrat District.

President ... Major Moqim Ali Khan.

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**Instruction No. 6****APPOINTMENT OF NEW SMLA****[10 July, 1977]**

I, Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone A, in partial modification to Martial Law Instruction No. 6 dated 10th July, 1977, hereby appointed Lt.-Col. Mohammad Akram as Sub-Martial Law Administrator, District Mianwali *vide* Lt.-Col. Zafar Ali with effect from 1st November, 1977.

I, Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone A, in partial modification to Martial Law Instruction No. 6 dated 10th July, 1977, hereby appoint Lt.-Col. Masud Ahmed as

Sub-Martial Law Administrator, District Jhang vice Lt.-Col. M Afzal Khan with effect from 15th November, 1977.

**Instruction No. 8**

[17th July, 1977]

1. **General.** This instruction deals with the arrest, investigation, conduct of trial by Summary Military Courts and disposal of mercy petitions, if any.

2. **Arrest.** Anyone contravening any CMLR, CMLO, MLO Zone A, or committing any offence under any other law for the time being in force, may be arrested by any member of the law enforcing agencies and confined in military or civil custody, pending further investigation and orders. The arrest will be reported by quickest possible means to SMLA of the district.

3. **Investigation.** The arresting agency will invariably investigate the cases. Where Police is a party, the investigation shall be conducted by an army officer or by a Magistrate. All cases of corruption shall be investigated by Army Officers. The investigating officer shall only collect that much evidence as would be required to prove the offence, alleged to have been committed by the accused. Time must not be wasted in digging up irrelevant details of an accused's past history. The investigating report along with a tentative charge-sheet will be submitted to SMLA within the time limit prescribed in this behalf by the SMLA, but the investigation must commence within 24 hours of the arrest of the accused person. Investigation of an ordinary case normally should not take more than 72 hours. In complicated cases, the officer detailed to investigate the case should be directed to record the Abstract of Evidence in accordance with the provisions of PAA Rule 13-A and Fifth Appendix to PAA Rule 13-A, at page 510 MPML Vol. I.

4. **Processing of Case at HQ SMLA.** On receiving the Abstract of Evidence/Investigation Report and tentative charge-sheet, the SMLA may order the case to be dismissed, if no *prima facie* case is disclosed by the Abstract of Evidence/Investigating Report; and if there is a *prima facie* case, then he may order the trial by Summary Military Court or by an ordinary Court. Broadly speaking all offences under the ordinary law should be tried by the ordinary Courts. The offence under ML Regulations/Orders shall be tried by the Military Courts, set up under CMLO No. 4. Cases, the trial of which is likely to have cleansing effect on the society, should also be tried by Military Courts. Also, the cases, the trial whereof will accelerate restoration of normalcy and pavement of way for holding General Elections in October, 1977, should be tried by Military Courts.

**5. Conduct of Trial by Summary Military Court**

(a) **Constitution.** Any Officer of the Armed Forces of Pakistan, so empowered by the MLA Zone 'A', can hold a Summary Military Court. Twenty-one Summary Military Courts, one per Sub-Sector (district, presided over by a Field Officer, have been constituted. Convening Order in respect of each Court has also been issued. The officer empowered to hold the Court shall alone constitute the Court.

(b) **Jurisdiction.** Respective district as specified in the convening order, and such other cases as may be brought before the Court, on the direction MLA/DMLA/SMLA.

(c) *Powers*

- |              |     |                 |
|--------------|-----|-----------------|
| (1) RI       | ... | One year        |
| (2) Whipping | ... | Fifteen stripes |
| (3) Fine     | ... | Rs. 5,000.00    |

- (d) *Form of Proceedings of a Summary Military Court.* Form PAFD 907 will be used with necessary modifications, i.e. by scoring out the portions not applicable to the Summary Military Court.
- (e) *Charge-Sheet.* Appropriate charge based on the facts disclosed by the Abstract of Evidence/Investigating Report will be framed against the accused. The charge-sheet will be signed by the Staff Officer deputed by SMLA for the purpose.
- (f) *Oaths.* The Presiding Officer will take the oaths as a Court and also as an interpreter. The accused cannot object to the Court or interpreter.
- (g) *Legal Adviser.* At a trial by Summary Court an accused person may have a person to assist him during the trial, whether a legal adviser or any other person. A person so assisting him may advise him on all points and suggest the questions to be put to witnesses, but he shall not examine, cross-examine, or address the Court.
- (h) *Arraignment.* The accused will be arraigned on each charge and his answer in the form of "Guilty" or "Not Guilty", recorded, in respect of each charge.
- (j) *Procedure on Plea of Guilty.* If the accused pleads "Guilty", then his plea shall become the "Finding" of the Court. In that case the Court shall read the Abstract of Evidence (if any) and annex it to the proceedings; and if there is no Abstract of Evidence, then the Court shall record sufficient evidence to enable it to determine the sentence, and for enabling the reviewing officer to know all the circumstances connected with the offence. Before convicting the accused on his plea of "Guilty", the Court shall ascertain that he has understood the consequences of his plea and the difference in procedure that his plea would make. If from the statement of the accused, or from Abstract of Evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty", then the Court shall alter the plea to that of "Not Guilty" and proceed with a regular trial.
- (k) *Procedure on Plea of Not Guilty.* After recording the plea of "Not Guilty", the Court shall record the evidence for the prosecution, followed by statement of the accused and followed by the defence evidence (if any). The evidence shall be recorded in accordance with the law of evidence and the Court shall not admit any inadmissible piece of evidence (PAA Section 112 refers). The Court after weighing the evidence both for and against the accused, including any matter which the accused had urged in his favour in his statement, shall record its verdict i.e. "Guilty" or "Not Guilty". No elaborate judgment shall be recorded.

- (l) *Procedure on Conviction.* Under Military Law the rules of evidence only allow evidence of an accused's character in the form of previous conviction, written evidence of which must be produced. Oral evidence of Police Officers or other persons to the effect that the accused is a "bad hat" or a "desperado" is inadmissible.
- (m) *Sentence.* The Court may award punishment of one year R. I., whipping of 15 stripes and fine upto Rs. 5,000.00 provided that the last-mentioned two sentences are authorised under the ML Regulation/Penal Section under which the accused was indicted. The sentence of R. I. will be reckoned to commence with effect from the date the sentence and the proceedings are signed by the Presiding Officer. The officers empowered to hold Summary Military Court should apply the law squarely and award appropriate punishment commensurate with the gravity of the offence. They are reminded that they should not be swayed by any considerations of mercy/clemency, while dispensing justice. The dispensation of justice should be such as to serve as a strong deterrent to forestall any increase in the rate of crimes. The Courts should also know that the reviewing authority possesses adequate power under the law to remit, mitigate and commute the sentence in deserving cases and any clemency by the Court would mean an entrenchment on the statutory powers of the reviewing authority. In the same context the Courts should also bear in mind the vast powers of pardon and remission which the law bestows on various officers of Pakistan Army under PAA Sec. 143.
- (n) *Promulgation.* The sentence of Summary Military Court shall be promulgated, *mutatis mutandis*, on the lines of PAA Rule 115, and shall be carried out without delay after promulgation.
- (o) *Committal Warrants.* As per Appendix XI to "A Hand Book of Martial Law", page 54. Specimen attached as Annexure A.
- (p) *Classification of Convicts.* The prisoners awarded the sentence of RI by Summary Military Courts, for offences under Martial Law Regulations, shall be given class 'C' in Jails, irrespective of their social status or position in life.
- (q) *Review of Proceedings.* Under CMLO No. 4, para 7 (d) the proceedings of Summary Military Court are required to be submitted to MLA of the Zone for review and countersignature. If this procedure is followed inordinate delay in the finalization of proceedings is likely to occur. To avoid this delay, CMLA Secretariat has been requested to issue amendment to CMLO *ibid*, so that MLA may authorize any officer, empowered to convene a District Court Martial under Pakistan Army Act, 1952, to review and countersign the Summary Military Court proceedings. Till the amendment is issued, the Courts, as an interim measure, shall forward the proceedings to their respective sectors, where these will be scrutinized by DAAG (ML)/DAJAG. Instructions as to who will review and countersign the proceedings will follow.
6. *Preservation of Proceedings.* These will be kept by AAG (Legal) at HQ MLA Zone 'A', Assembly Chambers, Lahore. On

winding up of Martial Law the proceedings will be handed over to HQ 4 Corps, Lahore Cantt. The proceedings of Summary Military Courts will be preserved for a period of three years and thereafter these may be destroyed.

7. **Mercy Petitions.** May be considered on the merits of individual cases by DMLAs/MLA, who may grant pardon, remission, etc. in accordance with the provisions of PAA Section 143.

8. **Reports and Returns.**

- (a) Form ML-4 (Record of Trials Held by Summary Military Court No. \_\_\_\_\_—district) will be forwarded by the Court on every Tuesday to HQs SMLA, DMLA. The DMLA will consolidate all such reports of his sector and forward Court-wise report to HQ MLA Zone 'A' on every Thursday. Specimen of Form ML-4 given on page 49 of "A Hand Book of Martial Law" is attached as Annexure B.
- (b) Form ML-1 (Martial Law—Disposal Form for 'Accused' Persons), Part (i) (iii) and (iv),—applicable portions duly completed shall accompany each Summary Military Court proceedings.

9. **Books/References**

- (a) MPML Vols. I & II.
- (b) A Hand Book of Martial Law.
- (c) Guide to SCM under PAA (Reprint—1972).
- (d) PAFD 907 (Form of Proceedings of a Summary Court Martial under Pakistan Army Act).
- (e) Notes on Pakistan Military Law (Reprint—1973).
- (f) Chief Martial Law Regulations (CMLR), Chief Martial Law Orders (CMLO) and Martial Law Orders Zone 'A' (MLO Zone 'A') and Martial Law Instructions Zone 'A' (MLIs Zone 'A').

**ANNEXURE 'A'**

To MLI No. 8

[Dated 17th July, 1977]

**APPENDIX—XI TO HAND BOOK OF MARTIAL LAW**

*Warrant of Commitments for Use When a Prisoner is Sentenced to Imprisonment*

To : The Superintendent  
Jail\_\_\_\_\_

Whereas at a Summary Military Court held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1977, Name \_\_\_\_\_ s/o \_\_\_\_\_ Caste \_\_\_\_\_ Village \_\_\_\_\_ Thana \_\_\_\_\_ Tehsil \_\_\_\_\_ District \_\_\_\_\_ was duly convicted of offence(s) under Martial Law Regulation No. \_\_\_\_\_ and whereas the said Summary Military Court on the \_\_\_\_\_ day of \_\_\_\_\_ 1977, passed the following sentence upon the said \_\_\_\_\_ That is to say : \_\_\_\_\_

This is to require and authorise you to receive the said \_\_\_\_\_  
\_\_\_\_\_ into your custody, together with this warrant  
and there carry the aforesaid sentence of imprisonment into execution  
according to law. The sentence has effect from \_\_\_\_\_ 1977.  
Given under my hand at \_\_\_\_\_ this the \_\_\_\_\_ day  
of 1977.

Signature \_\_\_\_\_

Officer Holding the Summary  
Military

Court No. \_\_\_\_\_

District \_\_\_\_\_

Stamp

## ANNEXURE 'B'

To MLI No. 8

[17th July, 1977]

Form M. L. 4

Record of Trials Held by Summary Mil Court No. \_\_\_\_\_

District \_\_\_\_\_

No.	Date and place of offence	Date of trial	Name and description of accused, including caste, name of father and village	Charge	Summary of evidence for prosecution and defence and statement of accused.	Finding	Sentence	Signature of officer holding the trial.



**Instruction No. 9**

[19th July, 1977]

1. **General.** This instruction deals with the arrest, investigation and conduct of trial by Special Military Courts and disposal of mercy petitions, if any.

2. **Arrest.** Same procedure as outlined in ML Instruction (Zone A), No. 8, dated 17th July, 1977, pertaining to Summary Military Courts.

3. **Investigation.** Same procedure as spelled out in para 3 of ML Instruction (Zone A) No. 8, dated 17th July, 1977, with a variation that where the SMLA considers that the case merits adjudication by a Special Military Court, he will forward the Summary of Evidence/Abstract of Evidence along with a tentative charge-sheet to HQ DMLA. It would be advisable to record Summary of Evidence; but if it is not possible, then Abstract of Evidence, in accordance with PAA Rule 13-A and Fifth Appendix thereto,—page 510 MPML Vol. I shall be recorded.

4. **Processing of Cases at HQ DMLA.** On receiving a case at Sector HQ, DAAG (ML)/DAJAG will process it. He will prepare a pre-trial brief and a draft charge-sheet for the DMLA. The DMLA, keeping in view the full facts and circumstances of the case, may take one of the following actions :—

(a) Return the case to SMLA for trial by Summary Military Court.

or

(b) Refer the case to an ordinary Court of competent jurisdiction, provided that the offence falls under the ordinary law.

or

(c) Refer the case to HQ MLA Zone A for getting pre-trial advice for trial by Special Military Court. Broadly speaking, a case where there is a wilful defiance of any Martial Law Regulation, or a crime directed against the objectives of Martial Law, i.e. holding of fair and free election in October 1977, should be reserved for trial by a Special Military Court. Also, crimes like theft, dacoity such as looting of banks, lifting of cars by an organized gang, etc. should be adjudicated by Special Military Courts. Barring these offences, all other offences may be tried by Summary Military Courts or by Ordinary Courts of competent jurisdiction.

**5. Conduct of Trial by Special Military Court**

(a) *Constitution*

(1) President

Lt.-Col.

(2) Members

(1) Major/Captain

(2) Magistrate Ist Class

(b) *Convening of Special Military Court.* Under CMLO No. 4, para, 4, MLA of a Zone can convene Special Military Courts in his Zone. Accordingly five Courts, one per Sector (Division), presided over by a Lt.-Col. have been convened.

(c) *Prosecutor.* Public Prosecutor/Additional Public Prosecutor of the district to which the case pertains.

(d) *Defence Counsel.* The accused may, if he so desires, engage a properly qualified counsel, who shall be deemed to be properly qualified to appear before a Special Military Court if he fulfils the following conditions :—

- (1) Is a citizen of Pakistan.
- (2) Is a legal practitioner authorized to practise in a Court of Sessions in Pakistan.

(e) *Jurisdiction* Respective Sector (Civil Division) as specified in the Convening Order and such other cases as may be brought before the Court on the direction of MLA/DMLA.

(f) *Powers of Punishment*

- (1) Death.
- (2) Amputation—may be awarded in respect of following offences :—
  - (a) Theft.
  - (b) Dacoity.
  - (c) Robbery.

The sentence of amputation shall not be combined with any other punishment.

(3) Imprisonment for life.

(4) RI for 14 years.

(5) Whipping—30 stripes. Provided that whipping shall not be inflicted on the following :—

- (a) Women
- (b) Men over 45 years or below the age of 18 years.

(6) *Fine.* Unlimited, unless otherwise specified in a Martial Law Regulation, under which the accused is charged.

(7) Forfeiture of movable and/or immovable property, either complete or in part. Utencils, clothings and other items of necessity for life shall not be forfeited.

(f) *Permissible Combination of Punishments.* As allowed by CMLO No. 5, para 2.

(g) *Form of Proceedings of Special Military Court.* Appendix A (Form of Proceedings of Special Military Court) at page 50 of "Hand Book of Martial Law" will be used. Specimen attached as Annexure A.

(h) *Charge-Sheet.* Appropriate charges based on the facts disclosed by the Summary of Evidence/Abstract of Evidence will be framed against the accused. The charge-sheet will be signed by AAG (Legal) of HQ MLA Zone A.

(j) *Oaths.* The President, members and interpreter will be duly sworn.

(k) *Arraignment.* The accused will be arraigned on each charge and his answer in the form of "Guilty" or "Not Guilty" recorded on each charge.

(l) *Procedure on "Plea of Guilty".* If the accused pleads "Guilty", his plea shall become the "Finding" of the Court. In that

case the Court shall read the Summary of Evidence/Abstract of Evidence and annex it to the proceedings. Before convicting the accused on his plea of "Guilty", the Court shall ascertain that he has understood the consequence of his plea and the difference in procedure that his plea would make. If from the statement of the accused, or from Summary of Evidence/Abstract of Evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty", then the Court shall alter the plea to that of "Not Guilty", and proceed with a regular trial. The Courts are reminded that the plea of "Guilty" shall not be accepted in cases where the accused is liable if convicted, to be sentenced to death; and where such plea is made, the trial shall proceed, as if the plea made was that of "Not Guilty".

- (m) *Procedure on Plea of "Not Guilty"*. After recording the plea of "Not Guilty", the Prosecutor may give the opening address. It is to be followed by the prosecution evidence. At the close of prosecution evidence the accused shall be afforded the opportunity of making a statement, followed by the defence evidence. The evidence shall be recorded in accordance with the law of evidence and the Court shall not admit any inadmissible piece of evidence (PAA Section 12 refers).
- (n) *Addresses*. Both the parties shall have the right to make the addresses. The party, which will examine the witness last, shall make the closing address first, e.g. if the defence has not produced any witness, then the prosecutor will give the closing address first, followed by the closing address by the defence counsel; but if the defence has produced the witnesses, the order of addresses will be reversed.
- (o) *Findings*. The Court shall appreciate the evidence both for and against the accused, including the statement of the accused, if any, to arrive at the verdict. An Absolute majority of the votes by the members shall determine the finding in every case. The President has no casting vote on finding. It shall be recorded as "Guilty" or "Not Guilty", as the case may be. The Court may record a special finding, if so warranted by the evidence adduced before it. Special findings, if required, may be recorded on the lines of specimen given on page 487; MPML Vol. I (Reprint—1975).
- (p) *Proceedings on Conviction*. After the finding of "Guilty" the Court will record evidence with regard to character of the accused as is available. Oral evidence that the accused is of good character is admissible, but oral evidence about his bad character should not be accepted. If the circumstances render it impracticable for the Court to take down any evidence as to character, the President will record on a plain paper the reasons for such impracticability. When all the evidence about the aforesaid matters has been given, the accused may address the Court with regard to evidence led about his character and for mitigation of punishment.
- (q) *Sentence*. A Special Military Court has power to pass any sentence authorised by law, or prescribed by Martial Law Regulations. The sentence should be commensurate with the

gravity of offence and should serve as a strong deterrent to forestall any increase in the rate of crime. *The sentence of death shall be passed with the concurrence of all the members of the Court.* All other sentences shall be decided by a majority of votes. The President has no second or casting vote. The President of the Court which passes a death sentence will furnish a certificate which may be endorsed underneath the sentence stating that the sentence of death has been passed with the concurrence of all the members of the Court.

- (f) *Recommendation to Mercy.* If any, will be recorded on a plain paper in the form set out on page 491 MPML Vol. I. If the Court makes recommendation to mercy, they shall give their reasons for their recommendation and may also enter in the proceedings the number of opinions by which such recommendation was adopted. Care must be taken that recommendation to mercy is not inconsistent with the finding.
- (s) *Signing of Proceedings.* After sentence has been recorded, the President will date and sign the sentence and such signature shall authenticate the whole of the proceedings. It is important that the *date of the sentence* should be inserted, because imprisonment is reckoned to commence from the day on which the sentence and proceedings are signed by the President.

6. **Post-Trial Advice.** After signing the proceedings the President of the Court shall forward the same to Legal Branch of HQ MLA Zone A for post-trial advice.

7. **Revision.** Revision of finding or sentence may be ordered by the confirming officer; and on such revision, the Court, if so directed by him, may also take additional evidence. Revision can only be ordered once; there cannot be a second revision.

8. **Confirmation.** No finding and sentence of Special Military Court will be valid unless these are confirmed by the Convening Authority. The Convening Authority may reserve the same for confirmation by an authority superior to him. The sentence of death and amputation of hand shall be referred to CMLA for confirmation.

9. **Promulgation.** The charge, finding, and sentence and any recommendation to mercy shall, together with the confirmation or non-confirmation of proceedings, be promulgated and extracts taken, *mutatis mutandis*, on the lines of PAA Rule 58.

10. **Committal Warrants.** As per Appendix XI, "A Hand Book of Martial Law" (page 54). Specimen attached as Annexure B. Where punishment is death—Forms PAFD-911-A & PAFD-911-B, on page 502 MPML Vol-I, with necessary modifications, will be used. Where the punishment is amputation of hand, Annexure C attached will be used.

11. **Mercy Petitions.** May be considered on the merits of individual cases by MLA/CML; who may grant pardon, remission, etc. in accordance with PAA Section 143.

12. **Preservation of Proceedings.** On promulgation the proceedings of Special Military Court shall be forwarded to AAG (Legal) HQ MLA Zone A for preservation. On winding up of Martial Law these proceedings will be handed over to HQ 4 Corps Lahore Cantt, where these will be preserved for a period of three years or as directed by CMLA.

**13. Reports & Returns**

- (a) Form ML-4 (Record of Trials Held by Special Military Court No. \_\_\_\_\_, \_\_\_\_\_ District) will be forwarded every Tuesday by the Court through HQ DMLA concerned to HQ MLA Zone A, Assembly Chambers, Lahore. Specimen of Form ML-4 given on page 49 of "A Hand Book on Martial Law" is attached as Annexure D.
- (b) Form ML-1 (Martial Law Disposal Form for 'Accused' Persons), duly completed, shall accompany the proceedings of each Special Military Court.

**14. Books/References**

- (a) MPML Vols. I and II.
- (b) A Hand Book of Martial Law.
- (c) Memorandum on Field General Court Martial.
- (d) Notes on Pakistan Military Law.
- (e) Chief Martial Law Regulations (CMLR).  
Chief Martial Law Orders (CMLO), and  
Martial Law Orders Zone A (MLO Zone A) ( and Martial Law Instructions Zone A (MLI Zone A).

(Sd.)  
Colonel  
for Martial Law Administrator Zone A

*Distribution*

HQ CMLA-2

HQ DMLAs-2

HQ SMLAs-1

Presidents Special Military Courts-1

**ANNEXURE A****TO MLI (Zone A) No. 9**

[19th July, 1977]

**APPENDIX-X TO "HAND BOOK OF MARTIAL LAW"****PART-I****Form of Proceedings of Special Military Court**

1. The proceedings of Special Military Court No. \_\_\_\_\_, \_\_\_\_\_ Division, held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1977, by the Order of Martial Law Administrator, Punjab, Zone A, dated the \_\_\_\_\_ day of \_\_\_\_\_ 1977.

President \_\_\_\_\_

Members (1) \_\_\_\_\_

(2) \_\_\_\_\_

Waiting Member \_\_\_\_\_

2. Trial of \_\_\_\_\_  
(Particulars of accused).

3. Name and particulars of the Prosecutor—

4. Name and description of Defence Counsel—

5. The President, in the presence of the accused, Prosecutor, Defence Counsel and all witnesses, reads the Convening Order.

6. The President, Members, Interpreter are duly sworn.

(The witnesses are now marched out of the Court)

### PART-II

#### Arraignment

7. The charge-sheet is signed by the President, marked— and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

**Question.** Are you guilty or not guilty of the (first) charge against you, which you have heard/read ?

**Answer.** —

**Question.** Are you guilty or not guilty of the second charge against you, which you have heard/read ?

**Answer.** —

**Question.** Are you guilty or not guilty of the third charge against you, which you have heard/read ?

**Answer.** —

### PART-III

#### Proceedings on Plea of Guilty

8. The accused—s/o—is found guilty of the charge (s).

(Note.—A 'Plea of Guilty' will not be accepted in a case where accused on conviction is liable to be sentenced to death).

### PART-IV

#### Proceedings on Plea of not Guilty

9. The Prosecutor makes an opening address, (or hands in a written address), which is read, marked—, signed by the President, and attached to the proceedings.

10. The Prosecutor proceeds to call witnesses.

#### PROSECUTION

First witness,—s/o—,

For

Prosecution age—, profession—religion—,  
caste—resident of village—Tehsil—District—,  
being duly sworn is examined by the Prosecutor :—

Cross-examination by the Defence Counsel.

Re-examination by the Prosecutor

**Questions by the Court****At the Suggestion of Parties (Prosecutor/Defence Counsel)**

PAA Rule 124 (2) (3) &amp; (4) complied with.

Second witness

*For***Prosecution****PART-V****Defence**

11. Question to the Accused. Do you intend to call any witness in your defence ?

Answer. \_\_\_\_\_

Question to the Accused. Is he a witness as to character only ?

Answer. \_\_\_\_\_

Question to the Accused. Have you anything to say in your defence ?

Answer. \_\_\_\_\_

The accused in his defence says (or hands in a written statement, which is read, marked \_\_\_\_\_ signed by the President and attached to the proceedings).

First witness \_\_\_\_\_

*For*

Defence \_\_\_\_\_

\_\_\_\_\_ being duly sworn is examined by the Defence

Counsel :—

**Cross-examination by the Prosecutor**

**Re-examination by the Defence Counsel**

**Questions by the Court**

**At the Suggestion of Parties (Prosecutor/Defence Counsel)**

PAA Rule 124 (2) &amp; (4) complied with.

Second witness

*For***Defence****PART-VI****Addresses**

(PAA Rules 47 &amp; 48 refer)

12. The Prosecutor hands in a written closing address which is read, marked \_\_\_\_\_, signed by the President and attached to the proceedings.

13. The Defence Counsel hands in a written closing address which is read, marked \_\_\_\_\_, signed by the President and attached to the proceedings.

**PART-VII****Finding**

14. The Court is closed for consideration of finding.  
 The Court find that the accused.....s/o.....  
 .....  
 .....

**PART-VIII****Proceedings No. Conviction****15. Evidence of Character**

Question to the accused. Do you wish to address the Court?

Answer.

The Court is closed for consideration of sentence.

**PART-IX****Sentence**

16. The Court sentence the accused.....

Signed at.....this.....day of.....1977.

Lt.-Col

Special Military Court No.....

.....Division.

(.....)

**PART-X****Confirmation****PART-XI****Promulgation**

Promulgated and extracts taken at.....this.....  
 day of.....1977.

.....  
 Signature of Officer  
 in Charge of Documents

**ANNEXURE B**

To MLI (Zone A) No. 9

[19th July, 1977]

**APPENDIX-XI TO "HAND BOOK OF MARTIAL LAW"**

**Warrant of Commitment for Use When a Prisoner is Sentenced to  
 Imprisonment**

To :

The Superintendent

Jail.....

Whereas at a Special Military Court held at.....on the.....  
 day of.....1977, Name.....s/o.....  
 Caste....., Age.....Profession.....



\_\_\_\_\_, resident of Village \_\_\_\_\_ Thana \_\_\_\_\_  
 Tehsil \_\_\_\_\_ District \_\_\_\_\_ was duly convicted of offence(s) \_\_\_\_\_  
 under Martial Law Regulation No. \_\_\_\_\_ and whereas  
 the said Special Military Court, on the \_\_\_\_\_ day of \_\_\_\_\_  
 1977, passed the following sentence upon the said \_\_\_\_\_  
 \_\_\_\_\_, that is to say :

And whereas the said sentence of RI has been duly confirmed by MLA Punjab Zone A as required by law.

This is to require and authorise you to receive the said \_\_\_\_\_  
 into your custody, together with this warrant and there carry the  
 aforesaid sentence of imprisonment into execution according to law.  
 The sentence has effect from \_\_\_\_\_ 1977.  
 Given under my hand at \_\_\_\_\_ this the \_\_\_\_\_ day  
 of \_\_\_\_\_ 1977.

Stamp

Lt.-Col.  
 President  
 Special Military  
 Court No. \_\_\_\_\_  
 \_\_\_\_\_ Division

### ANNEXURE C

To MLI (Zone A) No. 9

[19th July, 1977]

#### APPENDIX-XI TO "HAND BOOK OF MARTIAL LAW"

##### Warrant When a Prisoner is Sentenced to Amputation of Hand

To : The Superintendent  
 Jail \_\_\_\_\_

Whereas at a Special Military Court held at \_\_\_\_\_ on the \_\_\_\_\_  
 day of \_\_\_\_\_ 1977, Name \_\_\_\_\_ s/o \_\_\_\_\_  
 caste \_\_\_\_\_ age \_\_\_\_\_ profession: \_\_\_\_\_ resident  
 of \_\_\_\_\_ Village \_\_\_\_\_ Thana \_\_\_\_\_ Tehsil \_\_\_\_\_  
 District \_\_\_\_\_ was duly convicted of offence(s) under Martial  
 Law Regulation No. \_\_\_\_\_ and whereas the said Special Military  
 Court, on the \_\_\_\_\_ day of \_\_\_\_\_ 1977, passed the following  
 sentence upon the said \_\_\_\_\_, that is to say :—

"Amputation from the wrist of left/right\* hand"

And whereas the said sentence of amputation has been confirmed  
 by CMLA as required by CMLO No. 4 para 5-C.

This is to require and authorise you to receive the said \_\_\_\_\_  
 into your custody, together with this warrant, and carry the aforesaid  
 sentence of amputation into execution according to law in jail/in public.\*  
 The said \_\_\_\_\_ shall be set free after execution  
 of sentence.

Given under my hand at \_\_\_\_\_ this the \_\_\_\_\_ day  
 of \_\_\_\_\_ 1977.

Stamp

Lt.-Col.  
 President  
 Special Military  
 Court No. \_\_\_\_\_  
 \_\_\_\_\_ Division

\*Delete whichever is not applicable.

**To MLI (Zone A) No. 9**

[19th July, 1977]

Form M. L. 4

Record of Trials Held by Special Military Court No.

Division

[illegible]

**Instruction No. 10**

[19th July, 1977]

It is notified for the information of the public that with immediate effect no municipal land, Nazool land and State land within municipal limits will be leased out or sold or transferred to any one without prior approval by the Martial Law Administrator, Punjab, Zone A.

If any such land has been leased, sold or transferred after 1 July, 1977 (inclusive), particulars of such cases will be sent to HQ Martial Law, Punjab, Zone A by 31st July, 1977.

No sale/lease deed will be registered with effect from 20th July, 1977 without obtaining permission of Martial Law Administrator, Punjab, Zone A.

**Instruction No. 11**

[23rd July, 1977]

Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone A has appointed the following officers of Pakistan Air Force to act as Sub-Martial Law Administrators. Their jurisdiction will be restricted in the perimeter of their respective air bases. They will be responsible for the enforcement of Martial Law in their respective areas of jurisdiction:—

- (a) Pak. 3711 Air Cdr. Azim Daud Pota, S.J.  
*Jurisdiction* : PAF Base Sargodha
- (b) Pak. 3673 Group Capt. Muhammad Younus Butt.  
*Jurisdiction* : PAF Base Sakesar.
- (c) Pak. 3556 Group Capt. S Moin-ur-Rub, S. Bt.  
*Jurisdiction* : PAF Base Mianwali.
- (d) Pak. 1441 Air Cdr. Muhammad Arshad, S. Bt, T.Bt.  
*Jurisdiction* : PAF Base Rafiqui.
- (e) Pak. 1299 Air Cdr. A Rashid Sheikh.  
*Jurisdiction* : PAF Base Chaklala
- (f) Pak. 949 Group Capt S. Sadiq Abrar, S. Bt.  
*Jurisdiction* : PAF Base Lahore.

**Instruction No. 12**

[30th July, 1977]

In continuation of MLO-1 and CMLO No. 8, it is notified for the information of general public that following types of weapons notified in Government of Pakistan Min of Defence No. 7561/161/ME-2 (c)/1154/D-1 (A) dated 30.3.70 fall in category of prohibited bore weapons:—

- (a) All Machine Guns/Light Machine Guns.
- (b) All self loading & Auto rifles not including. 22 bore.
- (c) All Machine Carbines, Machine Pistols & Sub-Machine Guns.
- (d) All rifles, muskets, revolvers and pistols of the following calibres or their equivalents which can fire service ammo.
  - (1) 0.410 in Musket
  - (2) 0.303 in Rifle

- (3) 7.62 mm Rifle
- (4) 7.7 mm Rifle
- (5) 7.9 mm Rifle
- (6) 7.92 mm Rifle
- (7) 0.30 in Rifle & Carbine
- (8) .3006 in Rifle
- (9) 9 mm Pistol
- (10) 0.38 in Revolver
- (11) 0.455 in Revolver
- (12) 0.45 in USA Carbine

(e) Any other weapon capable of firing the standard service ammunition will also be considered as prohibited bore.

(f) Any weapon which has common spare part with that of any service weapon will also be treated as prohibited bore.

### Instruction No. 13

[31st July, 1977]

1. Number of studies and investigations on prevention of road accidents have been carried out and certain preventive measures adopted. Despite all such measures the accident rate continue to be high. In almost all the cases the reasons for such accidents have been identified to be rash, careless and negligent driving. However unfortunately the bus/truck owners as well as drivers have not given desired co-operation in this serious matter.

2. To save loss of precious lives, the Martial Law Administrator, Punjab, Zone A has ordered that following additional penalties will be imposed on any accident that results in death or injuries to passengers and/or pedestrians :—

(a) Driving licence of the driver and cleaner if he is in possession of one will also be cancelled.

(b) The bus/truck/van, etc. involved in accident will be impounded and route permit cancelled.

(c) The owner will not be issued route permit for any type of vehicle for a period of one year.

3. This instruction will be operative from 6th August 1977.

### Instruction No. 14

[4th August, 1977]

[Cancelled by Martial Law Instruction No. 42, dated 25th March, 1978]

### Instruction No. 15

#### PEOPLES WORKS PROGRAMME

[7th August, 1977]

1. Over past few years a large sum of money was allocated for development of rural areas under peoples works programme. A number of complaints have been received by the Martial Law Authorities on

injudicious and unsatisfactory utilisation of the public money by persons responsible for execution of the works.

2. Martial Law Administrator, Punjab, Zone 'A' has decided that survey of all such works will be carried out immediately by the DMLAs/ SMLAs along with respective Commissioners/DCs concerned to assess the judicious utilisation of the amount allotted. Cases of default will be submitted to Martial Law Administrator, Punjab, Zone 'A' by 31st August, 1977 by respective DMLAs.

#### Instruction No. 16

#### GOVERNMENT DUES

[7th August, 1977]

1. Certain reports have been received by the Martial Law Authorities that small land holders in Barani areas are finding it difficult due to various genuine reasons to clear their Government dues by 10 August, 1977.

2. In view of these considerations Martial Law Administrator, Punjab, Zone A has decided to defer the payment of Government dues by land owners of Barani areas of Punjab holding land 25 acres and less to next crop season.

#### Instruction No. 17

#### SURRENDER OF WEAPONS

[7th August, 1977]

1. Certain queries have been received by Martial Law Authorities regarding category of persons who had licence free weapons entitled to them either through inheritance or through their official office they were holding. Certain people have also not surrendered otherwise unlicensed weapons through ignorance. Some such weapons have been recovered through raids. Martial Law Administrator, Punjab, Zone A, has therefore decided that for the benefit of the public the surrender of unlicensed and licensed prohibited bore weapons in Punjab may now be done by all by 20th August 1977 except those categories who are exempted in accordance with CMLR-8, Martial Law Orders (Punjab) 1 and 10 issued by Martial Law Administrator, Punjab, Zone A.

#### Instruction No. 18

[7th August, 1977]

Lieut-Generel Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone 'A' has appointed Brig. M. Mumtaz Malik, SJ, as Sub-Martial Law Administrator, Sub-Sector 2 (Rawalpindi District and Federal Capital Area) Sector 5 (Civil Division of Rawalpindi) vice Brig. Imtiaz Warraich, SJ, with effect from 3rd August 1977.

#### Instruction No. 19

[7th August, 1977]

1. It has been brought to the notice of the Martial Law Administrator, Punjab, Zone 'A' that Hearth (Chula) Tax has been recovered from some villagers in the Punjab by the local bodies.

2. Martial Law Administrator, Punjab, Zone 'A' has ordered that Hearth (Chula) Tax will not be recovered from anyone with immediate effect by any agency. This tax where already recovered since 5th July 1977 will be refunded to the villagers by 31st August, 1977.

**Instruction No. 20**

[7th August, 1977]

Since the publication of Martial Law Order (Punjab) No. 4 on the trade union activities, some doubts have existed on the functioning of unions and management-labour relations. The Martial Law Administrator, Punjab, Zone A had ordered a meeting between Government representative, labour and management to frame Rules of Conduct. These mutually agreed Rules of Conduct are issued as under in further amplification of Martial Law Order (Punjab) No. 4 :—

1. Trade unions continue to exist as representative bodies of the industrial workers.

2. Trade union office-bearers are allowed the use of their registered trade union offices.

3. Cases of individual grievances shall be taken up by the workers individually or by the CBA union office-bearers with the management in accordance with law and procedures.

4. Registered trade unions are allowed to hold meetings of the executive committees in their registered trade union offices.

5. Negotiations between CBAs and employers are allowed to be held. In the event of break down of bilateral talks the subject-matter of negotiations shall be placed before a conciliator of the area as notified under Industrial Relations Ordinance.

6. All Labour Laws and Courts continue to function and the trade unions are allowed to refer cases of individual or collective nature to the Labour Courts for the redressal of the grievances.

7. The Labour Courts may continue to be approached in case where there is violation of agreement/settlement arrived at between the CBAs and the employers.

8. Labour Leaders will ensure that employees also abide by the Rules of Conduct for the efficient functioning of the industries.

1[9. \* \* \* \* \*

10. No referendum for CBA shall be held for the present.

11. Ban on strikes, lockout, lay off/retrenchment and any political activity continues to remain.

The Martial Law Administrator, Punjab, Zone A expects both labour and management to abide by the Rules of Conduct given above and that maximum effort will be put in by all concerned to increase the production.

**Instruction No. 21****REGULARIZATION OF AD HOC APPOINTMENTS**

[8th August, 1977]

1. In the past some time a large number of *ad hoc* appointments in Revenue, Police, Education and other departments were made in

1. Deleted by Martial Law Instruction No. 42, dated 21st March, 1978.

the Province of Punjab. These *ad hoc* appointments fall in the following categories :—

- (a) Appointments against which proper selection by the Public Service Commission has since been made and the persons thus selected are awaiting appointment. *Ad hoc* appointees are being held against these vacancies.
- (b) Vacancies had been advertised but the results have not yet been finalised by the Public Service Commission. *Ad hoc* appointees are being held against these posts.
- (c) *Ad hoc* appointees whose cases either have been referred to Public Service Commission or not but no advertisement has been made so far.

2. Martial Law Administrator, Punjab, Zone A has decided that the following procedure will be adopted with immediate effect to regulate these appointments :—

- (a) Persons selected by Public Service Commission against *ad hoc* vacancies will be given appointment letters and affected services of *ad hoc* appointees terminated.
- (b) Cases advertised by Public Service Commission and other formalities also completed by them will be finalised by 31st August, 1977, and action taken as in (a) above.
- (c) Cases of all other persons appointed directly or promoted on *ad hoc* basis at present in service will be reviewed immediately by the appropriate selection authority competent to make recommendations for regular appointment according to the rules. On such reviews those who are found ineligible or unsuitable, their services will be terminated. Those found eligible and suitable will be converted to regular basis. This action shall be completed by 31st August, 1977, by all departments in the Province of Punjab.

3. Martial Law Administrator, Punjab, Zone A further directs that all appointments, whether by initial recruitment or by promotion, made otherwise than in accordance with the prescribed method of recruitment/promotions, shall be deemed to have been made on *ad hoc* basis notwithstanding that they have been made in the purported exercise of power of relaxation of rules and their cases will also be regulated according to policy given in para. 2 above.

4. Completion report of cases falling under paras. 2 and 3 above will be forwarded to HQ MLA Zone 'A' by 5th September, 1977, by respective departments.

Instruction No. 22

[12th August, 1977]

[Cancelled by Martial Law Instruction No. 42, dated 25th March, 1978]

Instruction No. 23

[17th August, 1977]

1. Consequent to the issue of ML Instruction No. 10 dated 19th July, 1977, a number of irregularities in the allotment of plots have been brought to the notice of MLA, Punjab, Zone A. After detailed investigations, the Martial Law Administrator, Punjab, Zone A has decided to

cancel all allotment of plots made by any Government agency/autonomous body from 1 July, 1977 for the following areas :—

- (a) All housing schemes of Lahore Development Authority.
- (b) Housing plots on Municipal land.
- (c) Housing plots on Nazool/State land.
- (d) Housing plots allotted by Housing and Physical Planning Department.

2. The above cancellation is not applicable to plots sold by auction. Also, the applications of cancelled plots will remain alive and further allotment will be regulated on the policy given in this Martial Law Instruction.

#### Allotment Percentage

3. All plots of one kanal and two kanals will be allotted as under. No plot shall be of more than two kanals in any of the housing schemes in the Province.

- (a) 65 per cent by auction.
- (b) 15 per cent to Government servants including employees of autonomous and semi-autonomous bodies.
- (c) 10 per cent for professionals including men of letters, sportsmen, Journalists, artists, poets, authors, etc.
- (d) 4 per cent for lawyers.
- (e) 1 per cent for judges of superior courts.
- (f) 5 per cent for defence service personnel.

5. For plots of less than one kanal size, the allotment will be as under :—

- (a) 75 per cent to general public earning Rs. 1,000 or less per month, by ballot.
- (b) 15 per cent to government servants of grade 16 and below including employees of autonomous and semi-autonomous bodies.
- (c) 5 per cent to defence service personnel equivalent of grade 16 and below.
- (d) 5 per cent to industrial labour, by ballot.

#### Authorisation

5. Government servants will be allowed following size of plots :

- (a) Grade 1—7                      3 or 5 marlas
- (b) Grade 8—16                    7—10 marlas
- (c) Grade 17—18                  1 kanal
- (d) Grade 19 & above              1—2 kanals

6. Maximum of one plot will be allotted to all allottees. In case wife or dependent children have a plot of land, the husband/father will not be eligible for allotment of plot and vice versa.

7. For the purpose of allotment to the government servants, Housing and Physical Planning Department will maintain a waiting list for all grades of government servants. Allotment will be based on mark



system which will cater for length of service, efficiency, service in field and disciplinary cases, etc.

### Eligibility

8. Following will be eligible for allotment of plots :
  - (a) Government employees having a minimum 15 years of service.
  - (b) Retired government servants who did not get any plot during service.
  - (c) Widow/dependent of deceased Government servants who had died before retirement and does not own a plot.
  - (d) General public earning Rs. 1,000 or less per month.
  - (e) Men of letters, etc. should have 15 years standing.
  - (f) Sportsmen should be of national standard.

### Ineligibility

9. Following will not be eligible for allotment of plots :
  - (a) Those who own a house or a plot in his/her name in any urban areas of Punjab.
  - <sup>1</sup>[(b) Has been allotted plot or house in any urban housing scheme in Punjab earlier to either wife, husband or dependent children but sold out].
  - (c) Owns a house in the name of wife/husband or dependent.
  - (d) Has been convicted of corruption charges or inquiry of corruption is pending.
  - (e) Dismissed government servants on any charge.
  - (f) Convicted for anti-State, anti-social activities and heinous crimes.

### Marking System

10. The marks to decide merit of the government servants will be as under. Allotment will be strictly in order of merit :—

- (a) Length of service—one mark for every completed year of service.
- <sup>2</sup>[(b) One extra mark will be given for each period of 3 years spent in the field service. No extra mark will be given if the total period of field service is less than 3 years. Beyond the first 3 years of field service, for any fraction period, not less than 1½ years of field service, one extra mark will be given. Field staff means the staff who are liable to be transferred or moved from one station to another.]
- (c) One mark for outstanding annual confidential report.
- (d) One mark for any commendation/honour/award.
- (e) One mark for any post-graduate qualifications.
- (f) One mark for each dependent to a maximum of three.

1. Subs. by Amendment M.L.I. No. 23, dated 17-8-1977.

2. *Ibid.*

- (g) Five marks for disability during service (Loss of limb or eyesight, etc.)
- (h) Five marks for widow/dependent of deceased government official if the official had more than 15 years service. If less than 15 years service he/she will be awarded 15 marks.
- (j) Two marks for other compassionate/hardship cases.

#### **Penalties**

11. Marks will be deducted for the following :—

- (a) One minus mark for adverse remarks in annual confidential report pertaining to integrity and reputation.
- (b) One minus mark for any written warning/censure received from superiors.
- (c) Five minus marks if involved in any corruption case short of dismissal.

#### **Exemptions**

<sup>1</sup>[12. In future schemes all owners will be exempted 30 per cent. of the land acquired from them in the form of developed plots, on payment of development charges only unless the land acquired is less than 10 marlas. This exemption policy will also apply to such on going schemes in which possession of land had not been taken over by Acquiring Agencies before 17 August, 1977 but will not apply to schemes including Faisal Town, Model Town Extension, Bund Road, Allama Iqbal Scheme for which exemption policies have already been announced or finalized.]

#### **Allotment Committees**

13. Chief Secretary will appoint allotment committees for the various schemes in the Province. The composition of these will be published in the Press. All allotments will be finally confirmed by the Chief Secretary who will also confirm hardship/compassionate marks on recommendation of the allotment committee.

#### **Defence Services Quota**

14. This will be placed at the disposal of the Ministry of Defence who would frame rules of allotment as per existing Army rules or on the lines given above and make necessary allotment. Allotment Committees will inform the Ministry of Defence the quantity of and block number of plots placed at their disposal.

#### **Issue of Allotment Order**

15. As and where any allotment is made and the individuals are issued allotment orders, these details will be published in the Press by the allotment committee.

#### **Rules of Payments/other Formalities—Sales Deeds, etc.**

16. These will be as per existing rules. However, applicants will attach an affidavit signed by a magistrate on the eligibility, with application form.

#### **Application Forms**

17. These will be provided by the agency controlling the scheme. Terms and conditions will be printed on all forms.

1. Subs. by Amendment M.L.I. No. 23, dated 17-8-1977.

**Lifting of Restrictions**

18. The restrictions imposed on allotment of residential plots *vide* Martial Law Instruction No. 10 are hereby lifted.

**AMENDMENT TO MARTIAL LAW INSTRUCTION NO. 23, DATED  
17TH AUGUST, 1977**

**ALLOTMENT OF RESIDENTIAL PLOTS**

[21st December, 1977]

The following amendments to Martial Law Instruction No. 23 dated 17th August, 1977, are ordered and the same shall be deemed to have been so incorporated with effect from 17th August 1977 :—

- (a) *Authorisation—Para 5 (b).* Will be read now as under :—  
“Grade 8-16—7-10 Marlas”
- (b) *Ineligibility—Para 9 (b).* Delete existing para. 9 (b) and substitute as under :—  
“(b) Has been allotted plot or house in any urban housing scheme in Punjab earlier to either wife, husband or dependent children *but sold out.*”
- (c) *Marking System—Para 10 (b).* Delete para. 10 (b) and substitute as under :—

“(b) One extra mark will be given for each period of 3 years spent in the field service. No extra mark will be given if the total period of field service is less than 3 years. Beyond the first 3 years of field service, for any fraction period, not less than 1½ years of field service, one extra mark will be given. Field staff means the staff who are liable to be transferred or moved from one station to another.”

- (d) *Exemptions—Para 12.* Delete para. 12 and substitute as under :

“12. In future schemes all owners will be exempted 30 per cent of the land acquired from them in the form of developed plots, on payment of development charges only unless the land acquired is less than 10 marlas. This exemption policy will also apply to such on going schemes in which possession of land had not been taken over by Acquiring Agencies before 17th August, 1977 but will not apply to schemes including Faisal Town, Model Town Extension, Bund Road, Allama Iqbal Scheme for which exemption policies have already been announced or finalized.”

**Instruction No. 24**

[1st September, 1977]

Martial Law Administrator, Punjab, Zone A has noticed irregularities in exercise of proper control over the management of the mineral resources in the province and, after thorough deliberations, has issued the instruction contained in subsequent paras. The Pakistan Mining Concession Rules, 1960 in their application to the province of Punjab, shall stand amended to the extent indicated in this instruction with immediate effect.

**Application for the grant of mining concessions (prospecting licences as well as mining leases)**

- (a) Limestone, ordinary stone, ordinary sand and gravel will continue to be leased out through public auction as heretofore.
- (b) Application for other minerals, shall be received by the Assistant Director Mineral Development of the Directorate of Industries and Mineral Development, Poonch House, Multan Road, Lahore, by hand only. Each application shall be allotted a registration number. Incomplete applications shall neither be entertained nor registered.
- (c) Persons/Firms in default or already black-listed, shall not be eligible for any prospecting licence or mining lease.
- (d) In the case of cancelled mines, sealed bids shall be invited through Press release and the concessions will be granted only on the basis of competitive bidding.
- (e) Director, Industries and Mineral Development Deptt. shall dispose of all applications within six weeks of their receipt.
- (f) The present Mines Committee shall stand dissolved and reconstituted as under :—

- 1. Director, Industries and Mineral Development. .... *Chairman*
- 2. Chief Inspector of Mines. .... *Member*
- 3. A representative of Finance Department, of not less than Additional Finance Secretary status. .... *Member*
- 4. Joint Director, Mineral Development. .... *Member-Secretary.*

- (g) Appeal against the decision of the Licensing Authority shall lie with the Secretary to Government of the Punjab, Industries and Mineral Development Department within 15 days from the date of communication of the decision. The Secretary shall decide the appeal within one month.

**2. Maintenance of accounts and payment of dues**

- (a) The lessee shall maintain proper and up-to-date account of such concession on prescribed form and the same shall at all times be available at site for inspection by the Mines Committee or their representative. In case a mining concessionaire fails to produce relevant record at the mine premises, he shall render himself liable to penalty upto an amount of Rs. 2,000.
- (b) The concessionaires shall supply to the Licensing Authority production figures each month in accordance with the existing procedure. In case of failure to do so in any month a penalty of Rs. 200 shall be imposed. If such violation continues for three consecutive months, the concession shall be cancelled.
- (c) The Chief Inspector of Mines shall furnish a copy of his assessment of production, every six months to the Mineral Development Department for the purpose of cross cheque.
- (d) The concessionaires shall make payment of six monthly dues during the months of January and July each year, failing which a penalty of 1% of the outstanding amount, per day shall be charged. If the dues remain unpaid for 3 months, the lease/

licence shall stand cancelled and the concessionaire shall be proceeded against for recovery of dues, under the law.

- (e) The Mineral Development Department shall maintain a centralized account for each concession, mineralwise.
- (f) The rates of royalty on minerals shall be reviewed every fifth year. First review will be completed by 30th September, 1977.
- (g) A security in the amount of 1% of royalty on the projected yearly production shall be deposited in advance before the final sanction of mining lease is issued.

3. **Safety measures :** All persons/firms holding mining leases and prospecting licences in Punjab are directed to make available the prescribed mining safety equipment for use at their mines, and open letters of credit for the import of those items of safety equipment which are not available in the country within thirty days after the issue of this directive. Failure to do so shall result in the cancellation of their licences/leases.

4. **Recovery of arrears :**

- (a) The existing concessionaires are directed to furnish statement of correct and actual production since 1st July, 1970 to the Licensing Authority and pay royalty dues as well as excise duty thereon by 15th September, 1977, in which case no action shall be taken against them. Martial Law Inspection Teams have been constituted for each District to carry out physical inspection and spot checking of each mine immediately after 15th September, 1977. In case any discrepancy is found during such inspections, the defaulting concessionaires shall be liable to be punished under Martial Law, besides cancellation of their lease/licence.
- (b) The Licensing Authority shall re-evaluate the progress made in case of each prospecting licence and mining lease in accordance with the approved prospecting/exploitation scheme by 10th October, 1977. Those concessionaires who have not submitted such schemes in the past, shall submit the same now within ten days of the issuance of this instruction.
- (c) Where sufficient prospecting/mining activity has not been undertaken, the licence/lease shall be cancelled within six weeks of the issue of this MLI.

5. No lessee will sublet the mine or employ petty contractors for the purpose of extraction of the minerals. Lease of all such persons violating this condition will be cancelled.

**Instruction No. 26**

**APPOINTMENT OF NEW SMLAs**

*[2nd September, 1977]*

Lieut.-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone 'A' has appointed the following officers as SMLAs of the districts as indicated below with effect from 1st September 1977 :—

- (a) Brig. Muhammad Aslam vice Brig. Aman-ur-Rehman Khan, SMLA, Sahiwal District.

- (b) Brig. Muhammad Mushtaq vice Col. M. Sunawar, Khan SMLA, Vehari District.

### Instruction No. 27

## HONORARY MAGISTRATES: POLICY REVIVED

[5th September, 1977]

There are large number of cases pending in courts in Punjab due to various reasons. This has resulted in delay in justice. Martial Law Administrator, Punjab, Zone A has therefore decided to fully revive the institution of Honorary Magistrates in the province with immediate effect. Honorary Magistrates will function in accordance with the existing policy and on the terms and conditions as laid down by the Government of Punjab.

It has been decided that eighty posts of Honorary Magistrates, out of which 20 incumbents are already in position, will be filled in the province of Punjab by 15th September, 1977. The allocation of these posts divisionwise will be as under :—

- |                         |      |
|-------------------------|------|
| (a) Lahore Division     | — 19 |
| (b) Multan Division     | — 20 |
| (c) Rawalpindi Division | — 17 |
| (d) Sargodha Division   | — 14 |
| (e) Bahawalpur Division | — 10 |

Honorary Magistrates will be selected by the Commissioners and Deputy Martial Law Administrators from amongst the following :—

- Retired officers of the PCS (Executive & Judicial).
- Retired Superintendents of Police.
- Retired officers of the defence forces.
- Men of influence and account.

Honorary Magistrates will be selected from and appointed for duty preferably in their home towns. Details of Honorary Magistrates so appointed will be forwarded to Home Department, Government of Punjab for the publication of Gazette.

The Honorary Magistrates will be vested with the powers of Magistrates of First Class in a district under subsection (1) of section 14 of the Code of Criminal Procedure, 1898 and will also be vested with the powers as under.

- Try certain cases summarily under section 260, Cr. P. C. 1898.
- Chairman, Arbitration Council under Muslim Family Laws Ordinance, 1961.

As soon as the Honorary Magistrates become functional, public will be advised to send their complaints to Honorary Magistrates in their respective areas rather than Martial Law Complaint Centres.

### Instruction No. 28

## APPOINTMENT OF NEW SMLA

[7th September, 1977]

Lieut-General Mohammad Iqbal Khan, Martial Law Administrator,

Punjab, Zone A has appointed Group Capt. V.A. Khan as Sub-Martial Law Administrator, PAF Base Lahore, vice Group Capt. S. Sadiq Abrar, S. Bt. with effect from 9th September, 1977.

### Instruction No. 29

## APPOINTMENTS TO THE OFFICE OF ASSISTANT ADVOCATE-GENERAL

[7th September, 1977]

Appointment to the office of the Advocate General and the qualifications for it are covered by the provisions of the Constitution. The same provisions will apply to the office of the Additional Advocate-General. There are however, no instructions that govern the qualifications and appointments to the offices of the Assistant Advocates General. The Martial Law Administrator, Punjab, Zone A has therefore formulated the policy instructions as detailed in the succeeding paragraphs regulating appointments to the posts of Assistant Advocate-General. These instructions will be operative with immediate effect notwithstanding anything to the contrary contained in any Rules or Government instructions.

**Eligibility :** The Assistant Advocate-General should be an Advocate with a 5 years' standing as an Advocate of the High Court.

**Tenure :** The tenure of the post of Assistant Advocate-General shall be two years subject to satisfactory performance.

**Selection procedure :** The method of selection will be as follows :—

- (a) The vacancy will be advertised in the newspapers and applications invited by the Law Department.
- (b) Eligible candidates will appear before the provincial Selection Board which will co-opt a representative of the High Court and President, High Court Bar Association. After approval of the Government, the appointment will be notified by the Law Department.

Cases of existing Assistant Advocate-Generals will be reviewed in the light of these instructions by the Law Department.

### No. 30

## APPOINTMENT OF LEGAL ADVISORS

[8th September, 1977]

The existing practice of appointment of Legal Advisors to various Autonomous/Semi-Autonomous bodies including the Municipal Committees and District Councils leaves much to be desired. Accordingly Martial Law Administrator, Punjab, Zone A has decided to streamline the procedure in regard to these appointments and has formulated the policy which is outlined in the succeeding paragraphs. These instructions shall have immediate effect notwithstanding anything contained in any other Rules or Government Instructions to the contrary.

**Categorisation—Legal Advisors :** This is essential to determine the type of Legal Advisor required for each Institution. The categorisation should, therefore, be based on the size of the organization and its requirements. Local Government, Social Welfare & Rural Development Department is to undertake this exercise in respect of the Local Bodies

while in regard to the Autonomous, Semi-Autonomous Corporations the job is to be carried out by the concerned Administrative Departments. This shall be completed by 20th September, 1977.

**Classification of Advocates :** This classification is based on the provision incorporated in section 21 of Legal practitioners and Bar Councils Act, 1973, viz. Senior Advocates or Advocates of the Supreme Court, Advocates of the High Court and the rest of the Advocates. In making selection of a Legal Advisor for a particular organisation, regard should be had to the standing of the Advocate at the Bar and the category in which he falls.

**Tenure of Advisorship :** The tenure of a Legal Advisor selected in accordance with the procedure laid down in these instructions shall be two years at a time and the emoluments fixed will not be revised during the tenure. The employment body will of course have the right to remove its Legal Advisor if his work is not found to be satisfactory.

**Procedure of Selection :** Only those organizations shall appoint a Legal Advisor which stand in need of his services throughout the year while others may engage a counsel on time to time basis through the Advocate-General for Lahore only and through the Solicitor to Government, Punjab, at District level. The method of selection shall be as follows :—

- (a) The employing Autonomous/Semi-Autonomous Corporation or a Local Body shall advertise the vacancy in a Newspaper stating the qualifications required with remuneration to be paid and invite applications.
- (b) Eligible candidates will apply to the organization with a copy to Law Department, Government of Punjab.
- (c) Candidates for legal advisorships for local bodies and district councils will be interviewed by the Deputy Commissioner, President of the District Bar Association and representative of employer. The DC may also consult the District Judge before finalising the recommendations. These recommendations will be sent to Law Department for approval.
- (d) Candidates for legal advisorships for autonomous corporations will be interviewed by the provincial Selection Board to which a representative of Judiciary to be nominated by the High Court, the President of High Court Bar Association and representative of the employer be co-opted. The recommendations of the Board shall be submitted to the Government for approval. Law Department will convey the formal approval of the Government to the Corporation concerned.

Cases of existing legal advisors will be reviewed in the light of these instructions and action completed by all concerned by 30th September, 1977 when necessary report will be furnished to Law Department.

**Instruction No. 31**

*[10th September, 1977]*

Martial Law Administrator, Punjab, Zone A has reconstituted the following Summary Military Courts in replacement of the old Military



Courts in the Civil Division of Lahore (Sector 1) with effect from 6th September, 1977 :—

(a) *Summary Military Court No. 1.*

Jurisdiction : Lahore District  
President : Maj. Saadat Hussain

(b) *Summary Military Court No. 22.*

Jurisdiction : Lahore District  
President : Maj. Muhammad Wasim Khan

(c) *Summary Military Court No. 2.*

Jurisdiction : Kasur District  
President : Maj. Muhammad Ghani

(d) *Summary Military Court No. 3.*

Jurisdiction : Sheikhpura District  
President : Maj. Akhtar Iqbal

(e) *Summary Military Court No. 24.*

Jurisdiction : Sialkot District  
President : Maj. Muhammad Anwar Khan

**Instruction No. 32**

**APPOINTMENT OF NEW SMLAs**

[2nd September, 1977]

I, Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone 'A' has appointed the following officers as SMLAs of the districts as indicated below on the dates shown against each :—

- (a) Brigadier Mohammad Saleem Zia — 20th September, 1977.  
vice Brigadier Raja Rashid Ahmed  
(SMLA Sheikhpura)
- (b) Brigadier Aziz Ahmed vice — 24th September, 1977,  
Brigadier Hayat Ahmed Ansari  
(SMLA Kasur)

**Instruction No. 33**

**COMPLAINT CELLS**

[27th September, 1977]

1. Since Honorary Magistrates have been appointed in all districts of Punjab mostly down to Tehsils, it has been decided by Martial Law Administrator, Punjab, Zone A that with immediate effect the procedure for submission of complaints by public against any grievance in the Province of Punjab will be as under :—

- (a) Within Districts the complaints may be addressed to Deputy Commissioners or Honorary Magistrates of the area. Deputy Commissioners will depute separate staff for the expeditious disposal of these complaints. Army Complaint Cells at District level will be closed. Any pending work with them will be handed over to Deputy Commissioners concerned.

- (b) At Divisional level Complaint Cells will continue to function directly under respective Deputy Martial Law Administrator who will dispose of cases as per existing practice.
- (c) Provincial Complaint Cell will also continue to function at HQ Martial Law Administrator, Punjab, Zone A at Assembly Chambers, Lahore.

2. Complaints at Divisional and Provincial Complaint Cells will be received by post only as given in Press Release No. 48 dated 20th August, 1977. Complainants are advised to ensure that they do not submit complaints without affidavit otherwise these will not be entertained. Similarly cases which are *sub judice*, of frivolous nature or need litigation will also not be accepted.

3. [\* \* \* \* \*]

#### Instruction No. 34

[28th September, 1977]

1. Under the directions of ex-Prime Minister large number of Motor Cycles Yamaha 75 cc and bicycles were obtained from M/s. Dawood Yamaha Ltd., Karachi and Pakistan Engineering Coy., Lahore respectively and sent to Commissioners for onward despatch to the Deputy Commissioners. The Deputy Commissioners were directed to distribute these motor-cycles and bicycles to the PPP workers according to the list to be provided by ex-Prime Minister's Secretariat.

2. For transportation of motor-cycles from Divisional HQ to District HQ, M/s. Dawood Yamaha Ltd., Karachi paid Rs. 40 per motor-cycle to the Commissioners.

3. Consequently these motor-cycles and bicycles were handed over to the various Presidents of PPP in the District by the Deputy Commissioners, who distributed these amongst the workers of PPP.

4. The Martial Law Administrator, Punjab, Zone 'A' has ordered that all recipients of motor-cycles and bicycles will return these to the respective Deputy Commissioners by 5th October, 1977.

5. Defaulters will make themselves liable to be tried by Military Courts.

#### Instruction No. 35

[17th October, 1977]

#### APPOINTMENT OF NEW SMLA

I, Lieut-General Mohammad Iqbal Khan, Martial Law Administrator, Punjab, Zone A, do hereby amend Martial Law Instruction No. 32 para (b) and appoint the following officer as SMLA KASUR on the date shown against him :

Lt.-Col. Aman Ullah Khan Niazi

— 24th September, 1977

vice

Brigadier Hayat Ahmad Ansari

- 1. Deleted by M. L. Instruction No. 42, dated 25th March, 1978.

## Instruction No. 36

DISTRICT INQUIRY COMMISSIONS FOR  
PEOPLE'S WORKS PROGRAMME

[19th November, 1977]

1. As a result of preliminary investigations, it has been brought to the notice of Martial Law Administrator that People's Works Programme funds to the tune of Rs. 2 crore covering 600 Schemes in the Province of Punjab have been misappropriated or otherwise vested by the so-called Project Leaders over past years. One of the schemes connected with providing handpumps has been mis used at a large scale. Nearly 4,000 such handpumps have been installed at the houses/*deras* of certain individuals. Another 6,000 or so are not operating as they have not been maintained. About 1/3 of the total do not confirm to the specifications.

2. In one of the districts a total number of 85 protection bunds were repaired which are reported to have been completely washed away by the floods. In two other districts also 30 schemes on which money has been spent cannot be traced on the ground.

3. It is reported that two parallel roads were constructed to a village under political influence. There are also instances of construction of roads leading to the private *deras* and agricultural lands of some individuals.

4. There are reports that loans were advanced to political workers for setting up brick-kilns. No brick-kiln has been set up as the scheme failed miserably and more than 50 per cent of the loans are still outstanding.

5. A sheep farming scheme at a cost of Rs. 3.64 lacs was approved and executed with the sole objective of benefiting a particular person.

6. In nearly all the districts funds were released in lump sum to the Project Leaders who kept these in the private banks in their personal accounts deriving benefits of interest, etc. Tenders were managed with a view to favouring certain pet contractors. Excess payments were made to the contractors in the form of the so-called compensation for inflation in violation of the approved rates.

7. Martial Law Administrator, Punjab, Zone A has therefore directed that all SMLAs in their respective districts to immediately constitute District Inquiry Commissions in terms of CMLO 19 for holding 'Regular Enquiries' into the complaints and irregularities in the affairs of People's Works Programme of their respective districts. Any person including public servants, ex-Ministers, ex-MNAs/MPAs and Project Leaders directly or indirectly involved in the Planning/execution and supervision of People's Works Programme Projects found responsible for any irregularity, misappropriation of funds, etc. will be liable to be prosecuted under the law.

8. Inquiry Commissions will obtain complete details of allocation of funds to these projects over past years from the District Local Bodies Officers. The Commission will visit sites and determine actual work done and record evidence of all such persons who are considered necessary by the Commission.

9. Commissions will complete their enquiries by 31st December, 1977, apportion responsibility for lapses/misappropriation and submit reports to MLA with their findings and recommendations.

10. With immediate effect all Peoples Works Programmes/projects will be controlled by the Deputy Commissioners in their Districts who will ensure that all expenses are incurred in accordance with the Government rules and procedure. No amount will either be advanced or given to Project Leaders. Secretary, Local Governments will issue necessary instructions.

#### Instruction No. 37

### DEVELOPMENT AND WELFARE COMMITTEES

[31st December, 1977]

1. It has been felt for quite some time that lot of problems are being experienced by general public and administration in planning and execution of various development projects ; arranging supply of agricultural goods and marketing arrangements etc. This is in spite of the fact that there are a number of agencies available in the Province for this task but which still fail to improve the lot of the common man because of lack of co-ordinated effort.

2. In view of these, it has been decided by MLA, Zone A that with immediate effect "Development and Welfare Committees" will be organised in the Province at District and sub-Division level, by merging existing staff of Local Bodies, Peoples Works Programme and Integrated Rural Development Programme. The charter of these bodies will be :—

- (a) Planning, approval and execution of Development Plans,
- (b) Arranging and encouraging cooperatives,
- (c) Arranging for agriculture inputs and marketing of produce,
- (d) Recommending projects to Province which are outside their resources for inclusion in the annual development plan. These plans will be submitted to Province by February every year for the ensuing financial year,
- (e) Supervision for efficient working of health, education malaria and similar other organisations of local nature in the interior, and
- (f) Resolve disputes of minor nature through mediation/conciliations.

3. The composition of these committees at District and sub-Division level is detailed below, adjustments may be made in the composition depending on the work-load. Committees may co-opt any other member for a specific task of technical nature on required basis. DC's will work out rules of business for the functioning of these committees :

#### (a) District Development and Welfare Committee

Chairman	—	Deputy Commissioner
Members	—	SP
	—	D H O (Health Officer)
	—	D E O (Education Officer)
	—	D A O (Agriculture Officer)
	—	Representative from District Bar Association
	—	Representative from Journalists Civilian Elder/Notable (one)

**(b) Sub-Division Development and Welfare Committee**

- Chairman — Assistant Commissioner  
 Member — S D P O  
 — Representative from Revenue Deptt. Representative from Bar  
 — Representative from Journalists  
 — Civilian Elder/Notable (one)

**(c) Each Sub-Division area will be split into units comprising of 15 to 20 villages or more depending on the geographical and other factors by the Assistant Commissioners and a unit committee comprising of following will be formed :**

- Chairman — An officer from Local Government with necessary staff  
 Member — One Elder/Notable from each village in the unit.

4. Similar committees will be set up by Municipalities in their respective areas for which separate instructions will be issued by Local Government Department.

**Instruction No. 38**

[31st December, 1977]

[Cancelled by M. L. Instruction No. 42, dated 25th March, 1978]

**Instruction No. 39****BARANI COMMISSION IMPLEMENTATION COMMITTEE**

[31st December, 1977]

1. A High Powered Barani Commission was set up a few years back for the development of Barani areas of the Province of Punjab. The Commission carried out a detailed research and study of the problems of the area and prepared a comprehensive report. The report had envisaged a total expenditure of approximately three thousand million rupees over five years period. This expenditure covered organisational, water, communication, agriculture, rural industries and energy development aspects of the twenty-eight million acres of barani land out of a total fifty-one million acres of land in the Province.

2. To make a start it has been decided by Martial Law Administrator, Zone A to appoint an Implementation Committee with immediate effect to prepare a phased programme of implementation. Priority will be given to tapping of water resources, levelling of ground and provision of seeds in addition to any other project that Committee may consider feasible within the resources available. The Committee will make maximum utilisation of the machinery and equipment available with the agriculture department. The existing Directorate of Barani in the Agriculture Department will be placed directly under the Chairman, "Barani Commission Implementation Committee". This Committee will issue quarterly Press releases for the general information of public for the work done and achievements made in the implementation of the report. The Committee will also closely co-ordinate its activities with the Development and Welfare Committees in the Province to determine the areas feasible for development in the initial phase.

## Instruction No. 40

ALLOCATION OF PUBLISHING, PRINTING & DISTRIBUTION  
WORK OF TEXTBOOKS TO THE PUBLISHERS BY THE  
PUNJAB TEXTBOOK BOARD

[12th January, 1978]

Martial Law Administrator, Punjab, Zone A has been pleased to issue the following instructions with regard to the allocation of publishing, printing and distribution of textbooks work for the academic session 1978-79, in the following manner :—

1. **Allotment Percentage.** The ratio of allocation of the total work will be as follows :—

- (a) Trade shall continue to get 75 per cent work.
- (b) Philanthropic institutions—Writers Guild/Anjuman Himayat-e-Islam and Punjab Adabi Academy—shall receive 10 per cent work.
- (c) The 15 per cent work shall be handled by the Punjab Textbook Board of which the entire responsibility for publishing, printing and marketing will rest with the Board.

2. **Authorisation.** One book shall not be allocated to more than two publishers in a manner that the existing extent of face value of the total work with them is maintained. This will not be applicable in case of Urdu Qaida (small and large) to accommodate a maximum number of publishers :

(a) Provided that the publishers shall not be defaulters within the meaning of any or all of the subsections (a), (b) and (c) of para. 3 :

(b) Provided that the total work load with them shall not be more than the following :—

(1) Category A	—	Rs. 14 lac	} Face value
(2) Category B	—	Rs. 9 lac	
(3) Category C	—	Rs. 4 lac	

(c) Provided that a publisher in the lower category can be pushed up to the extent of 20 per cent depending on his performance and standing with the Board. Reasons for allocating work in addition to the ceiling fixed for a particular category shall be recorded in each case invariably.

(d) Provided that the marginal adjustment shall be allowed where no break-up of a book is possible and where a publisher has only one book.

(e) Provided that the books of 'Y' and 'Z' lists for secondary classes or other such books as have small print run and also have slow sale shall be allotted to publishers in Categories 'A' and 'B' only. However, in case some publishers in category 'C' voluntarily offer to publish such books, they may be accommodated accordingly. The Board shall also undertake the printing of a few titles which have small print run.

(f) Provided that no publisher shall function as wholesale agent for the books published by the trade.

3. **Eligibility.** The existing contractor-publishers shall continue to enjoy privilege of publishing the books according to the ceiling fixed in subsection (b) of section 2 except—

- (a) Those who fail to clear the dues before 31st December, 1977 on account of the entire cost of paper lifted by them and the amount of royalty on the contracted copies during the year(s) preceding the allocation year. Any dispute in respect of royalty will be settled by 15th January, 1978 on case to case basis on merit by a Committee constituted by the Board.
- (b) Those who have shown low sale.
- (c) Those who either have failed to maintain the required production standard or failed to make the books available in time in the year preceding the allocation year.

A cut of 30 per cent. to 50 per cent. work load shall be made in the allocation of work of the defaulter publishers falling within the meaning of any or all of the above three subsections.

(d) The publishers who remain unaccommodated or have remained unaccommodated since their registration shall be given preference over such other publishers in their respective categories, on the basis of the following factors :—

- (1) They should be income-tax payers.
- (2) They should have satisfactory and independent show room facilities.
- (3) They should have preferably foreign made machinery.

4. **Assessment of number of copies.** In determining the number of copies of a book required for the academic session, the following criterion shall be kept in view :—

- (a) Life of a book.
- (b) Average sale of a book during the previous three years excluding the current year.
- (c) Parallel sale of other books—compulsory, optional or elective, as the case may be.
- (d) Five per cent increase per annum in enrolment from classes 1 to 8 and two per cent increase in Secondary and Higher Secondary Classes.
- (e) Examination admission data of the Provincial Board of Intermediate and Secondary Education for the Secondary and Inter Classes and the Statistics provided or compiled by the Government Bureau of Education and the Punjab Textbook Board for Classes 1 to 8.

5. **Conditions for Allotment of Work for the Academic Session 1978-79 :—**

- (a) The contractor-publishers shall be required to deposit 35 per cent of the royalty in advance at the time of execution of their agreements with the Board and deposit 50 per cent of the total cost of paper in advance at the time of lifting of paper.
- (b) The balance amount of royalty and cost of paper shall be

deposited by the publishers with the Board at the time of the release of the remaining 50 per cent stock.

This procedure will not be applicable in case of books as are to be printed upto 25,000 copies in which case the Board may issue instructions on the merit of each case.

**6. Pricing of Paper and Books**

- (a) The price of the paper shall be fixed by the Board keeping in view the rates of paper prevalent in the market on the 1st of December, 1977 or the price shall be fixed by the Board on the instructions, if any, already issued by the Federal Government or the Provincial Government for the donated paper.
- (b) The price of books shall be fixed on the basis of the existing pricing formula being followed by the Board.

**7. Sale Order**

- (a) The Contractor-publisher shall make ready 75 per cent stock of the book by the given date before he is issued the first sale order.
- (b) The Board shall issue the first sale order for 50 per cent stock of the book in the first instance.
- (c) The second sale order for the remaining 50 per cent stock shall be issued after the publishers have deposited the balances in regard to the royalty and the cost of paper which in any case shall be done by the 15th May.

**8. Punitive Measures.** The publishers who fail to carry out the instructions regarding publishing, printing and distribution of books shall be penalized in the manner as prescribed and laid down in the agreement executed by the publishers with the Board at the time of allocation of work. For the implementation of these instructions the Board is empowered to frame by-laws and issue necessary instructions to the publishers which will be binding on the publishers who remain the contractors of the Board in one case or the other. The Board shall continue to enjoy the statutory functions as laid down in the Ordinance.

**Instruction No. 41**

**PUNJAB PEOPLES' FESTIVAL**

*[16th January, 1978]*

A number of irregularities, malpractices and misuse of power had come to light in the affairs of Punjab Peoples' Festival. In order to set the affairs of the organisation right, Martial Law Administrator, Punjab, Zone A has issued the following instructions with regard to the Punjab Peoples' Festival which will come into force with immediate effect :—

- (a) The existing managing bodies of Punjab Peoples' Festival are hereby dissolved. The organisation will henceforth be redesignated as "National Horse and Cattle Show".
- (b) All the assets and liabilities of the Punjab Peoples' Festival will be taken over by Commander Logistic Area Lahore.
- (c) Services of Management staff of Punjab Peoples' Festival are terminated with effect from 24th October, 1977 the date of the



ealing of record. The persons affected will be paid their salaries accordingly.

**Instruction No. 42**

**CANCELLATION/AMENDMENTS OF MLIs**

**[25th March, 1978]**

The Martial Law Administrator, Punjab, Zone A has been pleased to issue deletion/cancellation of the following Martial Law Instructions with immediate effect :

**(a) Cancellation**

- (1) Martial Law Instruction No. 14 issued on 4th August, 1977 is hereby cancelled.
- (2) Martial Law Instruction No. 22 issued on 12th August, 1977 is hereby cancelled.
- (3) Martial Law Instruction No. 38 issued on 31st December, 1977 is hereby cancelled.

**(b) Deletion**

- (1) Para. 3 of the Martial Law Instruction No. 33 dated 27th September, 1977 is hereby deleted.
- (2) Para. 9 of Martial Law Instruction No. 20 dated 7th August, 1977 is hereby deleted.

## **MARTIAL LAW ORDERS**

*by*

### **MARTIAL LAW ADMINISTRATOR, ZONE 'B'**

#### **No. 1**

*[19th July, 1977]*

1. All weapons purchased against licences, which have been cancelled under paragraph (1) of Martial Law Regulation No. 8, shall be surrendered to the nearest Police Station or army unit immediately, but not later than 26th July, 1977, against a proper receipt.

2. All weapons of prohibited bore and licences of such weapons, which have been cancelled under paragraph (2) of Martial Law Regulation No. 8, shall be surrendered to the nearest Police Station or army unit immediately, but not later than 26th July, 1977.

3. All unlicensed weapons and ammunition shall be surrendered to the nearest Police Station or army unit immediately, but not later than 26th July, 1977.

4. No action will be taken for possession of these arms and ammunition if they are surrendered within the period specified above.

5. This Order shall not apply to the Federally Administered Tribal Areas and Kohistan District of Hazara Division.

#### **No. 2**

*[19th July, 1977]*

1. All explosives, except those covered by special permits, shall be deposited with the nearest police station or army unit immediately but not later than 26th July, 1977.

2. With immediate effect, the sale of all explosives and acids shall be regulated as under in the North-West Frontier Province :—

(a) All District Magistrates shall immediately prepare an inventory of explosives and acids held by Dealers in their respective areas. Lists shall be signed by both the parties and the inventories shall be endorsed to the respective Headquarters Deputy/Sub-Martial Law Administrators.

(b) All sales of explosives/acids hereafter for industrial purposes, etc. shall be regulated by District Magistrates in accordance with Explosive Substances Act, 1908.

(c) Respective Deputy Martial Law Administrators shall ensure implementation of the above order.

#### **No. 3**

*[24th July, 1977]*

1. Whereas some irregularities/failings of serious nature have come to the notice of the MLA, Zone B with regard to the functioning,

management and correlated affairs of GTS. Now, therefore, the MLA, Zone B has constituted a special inspection team comprising of the officers as shown under for the aforesaid purpose. The inspection team shall submit its report to HQ MLA Zone B by 10th August, 1977.

President	—	Brig. Ihsan-ul-Haq Comdt ASC Centre
Members	—	1. Lt.-Col. Mohammad Akhtar ADOS HQ 11 Corps.
		2. Lt.-Col. Malik Mohammad Aslam, ADEME Log Area, Peshawar
		3. Wing-Comdr. Mian Mumtaz Ali PAF Base, Peshawar

2. The teams of reference will be as under :—

- (a) To carry out an assessment of the GTS as a commercial carrier and to highlight its income *vis-a-vis* the fleet of transport held.
- (b) To assess the road worthiness or vehicles plying on different routes and analyse reasons for a large number of vehicles being offered.
- (c) To assess the supply and adequacy of spares.
- (d) To examine the repair, maintenance and allied facilities connected with them which are available and suggest measures to keep maximum number of vehicles on road.
- (e) To examine the route scheduling and the timings of vehicles keeping in view the demand of the public in this regard.
- (f) Indicate the annual accident rate and comment on the follow up action.
- (g) To examine the procedure for the purchase of stores, contracts for body building (of vehicles) etc. with a view to eliminate mal-practices if any in such procedure.
- (h) To examine the adequacy or otherwise of the staff/management of GTS and whether they are sufficient to cope with the situation. Deficiency/surpluses in the managerial staff if any shall be highlighted.

#### No. 4

[24th July, 1977]

1. The MLA Zone 'B' has constituted the following board of officers, hereinafter known as Special Inspection Team, to go into the functioning of SDA with a view to investigating irregularities and mal-practices, if any, coming to their notice and to streamline their marking and enhancing their efficiency. The inspection team so constituted will submit the report to HQ MLA Zone 'B' by not later than 14th August, 1977 which period may be extended on good cause shown.

President	—	Brig. Jamil Imtiaz, CCE 11 Corps.
Members	—	1. Lt.-Col. Abdul Hye Tubussum HQ 11 Corps.
		2. Mr. Tariq Masood, CMES, Peshawar.
		3. Mr. Abdur Raziq Abbasi, Chief Minister's Inspection Team.

2. The terms of reference are as under :

- (a) To go into the procedure of awarding of contracts, execution of marks and making of payments and find if any irregularities have occurred in the above-mentioned stages in respect of the under-mentioned projects and apportion blame :—
  - (i) Khazana Sugar Mills.
  - (ii) Cold Storages at Peshawar, Mardan, Hazara and Swat.
  - (iii) Emerald Mines in Swat.
  - (iv) Dargai Ghee Mills.
  - (v) Leather Tanneries Project.
- (b) To assess whether the administrative needs of the SDA are adequate or whether the organization is over-staffed.
- (c) To identify the criteria of employment/recruitment in SDA and to establish whether the recruitment in SDA is generally done on merit or otherwise.
- (d) To establish the reasons of disputes/differences, if any, between the permanent members of the staff of SDA and the deputationists, which may be adversely affecting the working and the efficiency of SDA.

#### No. 5

[25th July, 1977]

1. The MLA Zone B has constituted the following board of officers, hereinafter known as Special Inspection Team to go into the functioning of FATA with a view to examine their workings and suggesting measures to enhance their efficiency. The inspection team so constituted will submit their report to HQ MLA Zone 'B' by not later than 20th August, 1977 which period may be extended on good cause shown.

1. President — Brig Fahimullah Khattak, Sector Comd., National Guards, Peshawar.
2. Members —
  1. Lt.-Col. Mohammad Azam, Comdt. Bajaur Scouts
  2. Lt.-Col H.U.K. Niazi, Governor's Inspection Team
  3. Mr. Abdul Latif, Deputy Secretary Home.

2. The terms of reference are as under :

- (a) To go into system of planning projects in the area, allocation of funds for such projects.
- (b) To go into the procedure of awarding of contracts, execution of work and making of payments.
- (c) To assess whether the administrative needs of the FATA are adequate or the organization is overstaffed.
- (d) To establish the economic viability and useful utility of the planned projects (not to include completed/under completion projects). In case some of the planned projects are not considered useful, the team will suggest alternative projects for utilisation of funds.

## No. 6

**[Order Convening Special Military Court No. 1 (Sector 1)]**

[27th July, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 1 of Martial Law Zone B for Sector I for the trial of such offenders as may be brought before them from time to time and to consist of :

- President — PA 6550 Lt.-Col. Ashfaq Ahmad Cheema,  
13 Baluch
- Members — 1. PSS 9357 Maj. Riaz Ul Haq, FF (Dir Scouts).  
— 2. Mr. Hayat Ullah, APA Malakand.

## No. 7

**[Order Convening Special Military Court No. 2 (Sector 1)]**

[27th July, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 2 of Martial Law Zone B for Sector I for the trial of such offenders as may be brought before them from time to time and to consist of :

- President — PA 6359 Lt.-Col. Mohammad Bashir, 32  
S & T Bn.
- Members — 1. PA 10558 Maj. Ghulam Majtaba Lakhwera,  
11 Baluch.  
— 2. Mr. Naeem Khan, Magistrate Class I.

## No. 8

**[Order Convening Special Military Court No. 3 (Sector 1)]**

[27th July, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 3 of Martial Law Zone B for Sector I for the trial of such offenders as may be brought before them from time to time and to consist of :

- President — PA 5243 Lt.-Col. Aman Ullah Khan, 30 FF
- Members — 1. PA 11584 Maj. M. Akram Punwar Khan, 22 FF  
— 2. Haji Qaim Khan, Magistrate Class I.

## No. 9

**Order Convening Special Military Court No. 1 (Sector 2)**

[27th July, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 1 of Martial Law Zone B for Sector 2 for the trial of such offenders as may be brought before them from time to time and to consist of :

- President — PA 6099 Lt.-Col. Rashid Ali Khan 25 C
- Members — 1. PA 11080 Maj. Masood Ahmed 50 Punjab  
— 2. Mr. Mian Kasim-ul-Haq, Magistrate Class I.

## No. 10

## [Order Convening Special Military Court No. 2 (Sector 2)]

[27th July, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 2 of Martial Law Zone B for Sector 2 for the trial of such offenders as may be brought before them from time to time and to consist of:

- President PA-5301 Lt.-Col. Ghazanfar Ali Khan 70 Fd Regt Arty.
- Members 1. PSS-8942 Maj Fida Muhammad—NCC  
2. Mr. Muhammad Ameen Khattak  
Magistrate Class I.

## No. 11

## [Order Convening Summary Military Court (Sector 2)]

[27th July, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower the following officers of the Armed Forces of Pakistan to hold the Summary Military Courts as mentioned against their names in Sector 2 of Martial Law Zone B for the trial of such offenders as may be brought before them from time to time:—

- (a) PA-7048 Maj Fazal Ahmed — Court No. 1  
14 Baluch
- (b) PSS-7694 Maj. Muhammad Ahmed — Court No. 2  
Nadeem, 70 Fd Regt Arty
- (c) PA 10206 Maj. Nisar Ahmed — Court No. 3  
18 FF.

## No. 12

[3rd August, 1977]

1. In view of large number of complaints received from the public against public representatives and administrators, an Investigation Team, consisting of the following, is constituted to enquire into the malpractices and irregularities committed by such public representatives and administrators:

- (a) Brigadier Salahuddin Rana, — Chairman  
afwc, psc
- (b) Lt.-Col. Nazar Abbas, — Secretary  
74 LAA Regt
- (c) Mr. Abdur Rahim, — Member  
Deputy Secretary to Government of  
North-West Frontier Province, Home  
and Tribal Affairs Department
- (d) Mr. Sikandar Khan, — Member  
Superintendence of Police,  
Crime Branch

2. The said Investigation Team shall have the power to record evidence as it may deem necessary and to call for any record of any Government agency or any statutory body, required in connection with the investigation.

3. The Investigation Team shall submit its report to the Martial Law Administrator, Zone "B".

4. This Order shall be deemed to have taken effect on and from 3rd August, 1977.

*Explanation :—*In this Order,

- (a) 'public representative' includes a Provincial Minister and a Member of the Provincial Assembly; and
- (b) 'administrator' means any person in Government service or in the service of any statutory body.

#### No. 13

#### [Order Convening Special Military Court No. 4 (Sector 1)]

[4th August, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 4 of Martial Law Zone B for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of.

- President : PA 5280 Lt.-Col. Muhammad Javid Yunus,  
SJ, 71 Fd Regt Arty.
- Members : 1. PA 11488 Maj Rai Liaqat A.K. Shahid, 71  
Fd Regt Arty.
2. Mr. Ghulam Nabi, EAC-1 Abbottabad.

#### No. 14

#### [Order Convening Summary Military Court No. 1 (Sector 1)]

[4th August, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PA 7424 Maj. Muhammad Hassan, 71 Fd Regt Arty to hold the Summary Military Court No. 1 of Sector 1, Martial Law Zone B for the trial of such offenders as may be brought before him from time to time.

#### No. 15

#### [Order Convening Summary Military Courts (Sector 1)]

[10th August, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower the following officers of the Armed Forces of Pakistan to hold the Summary Military Courts as mentioned against their names in Sector 1 of Martial Law Zone B for the trial of such offenders as may be brought before them from time to time :—

- (a) PA-7399 Maj. Nazir Ullah Qazi, — Court No. 1  
71 Fd Regt Arty
- (b) PA-7907 Maj. Dilawar Shah, — Court No. 2  
Chitral Scouts

- (c) PA-11097 Maj. Saeed Anwar, — Court No. 3  
36 Baluch
- (d) PA-7137 Maj. Mohammad Kashid, — Court No. 4  
13 Baluch
- (e) PSS-10045 Maj. Mohammad Ilyas, — Court No. 5  
10 Med Regt Arty
- (f) PSS-15786 Maj. Abdul Ghaffar Khan, — Court No. 6  
27 AK
- (g) PSS-8007 Maj. Jamshed Ahmed, — Court No. 7  
37 Punjab
- (h) PSS-9440 Maj. Gulfraz, — Court No. 8  
22 FF
- (j). PSS-9671 Maj. Abdul Qayyum, — Court No. 9  
48 Baluch

## No. 16

[7th August, 1977]

1. Whosoever is liable to pay any tax, fee, duty, rate or any other dues or amounts, or arrears of land revenue of Government, or any local body or other authority constituted or established by, or under, any law, shall pay the same on or before the 20th August, 1977.

2. Violation of this Order shall be punishable under Martial Law Regulation No. 14 with rigorous imprisonment for a term which may extend to five years, forfeiture of property, and/or whipping not exceeding twenty stripes.

3. This Order shall not be applicable to those cases where any matter in respect of such outstanding tax, fee, duty, rate, dues or other amounts, or arrears of land revenue is pending in any court or is under consideration before any competent authority on the date of issue of this order.

## No. 17

[20th August, 1977]

1. No person shall, directly or indirectly, by himself or by any other person, prepare, manufacture, keep or store for sale, or sell or offer to sell, any article of food or drink or any other article of daily human consumption, which is adulterated, or is not of the nature, substance or quality demanded, or which it purports or is represented to be.

2. Violation of this Order is punishable under Martial Law Regulation No. 14, with rigorous imprisonment for a term which may extend to five years, forfeiture of property and/or whipping not exceeding twenty stripes.

## No. 18

[Order Convening Special Military Court No. 3 (Sector 2)]

[20th August, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 3 of Martial Law Zone B for Sector 2 for the trial of such



offenders as may be brought before them from time to time and to consist of.

- President : — PA-5544 Lt.-Col. Ejaz Ahmed
- Members : 1. PA-11080 Maj. Masood Ahmed
2. Mr. Mian Nasim ul Haq, Magistrate Class I

### No. 19

#### [Order Convening Summary Military Court (Sector 1)]

[30th August, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower the following Officers of the Armed Forces of Pakistan to hold the Summary Military Courts as mentioned against their names in Sector 1 of Martial Law Zone B for the trial of such offenders as may be brought before them from time to time :—

- (a) PA-7961 Maj. Abdul Lais Ahmed — Court No. 5  
Uz Zaman 10 Med Regt Arty
- (b) PA-4959 Maj. Khan Afzal Afridi — Court No. 10  
FF Centre
- (c) PA-7424 Maj. Muhammad Hassan — Court No. 11  
71 Fd Regt Arty

2. Summary Military Court No. 5 constituted *vide* convening order dated 10th August, 1977, hereby, stands dissolved.

### No. 20

[5th September, 1977]

All offences under the Emigration Act, 1922 (VII of 1922) and the Passports Act, 1974 (XX of 1974) shall be tried by Military Courts.

### No. 21

[14th September, 1977]

1. No person other than the candidates, invigilating staff and other persons connected with the conduct of forthcoming examinations shall go near or aimlessly loiter within fifty yards of any examination centre of any educational institution.

2. Violation of this order shall be punishable under Martial Law Regulation No. 14 with rigorous imprisonment for a term which may extend to five years, forfeiture of property, and/or whipping not exceeding twenty stripes.

### No. 22

#### [Order Convening Special Military Court No. 4 (Sector 1)]

[14th September 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 4 of Martial Law Zone B for Sector 1 for the trial of

such offenders as may be brought before them from time to time and to consist of.

President : — PA 5073 Col. Malik Sher Afzal Khan, Baluch Centre.

Members : — 1. PA 11090 Maj. Muhammad Ajmal Siddiqui, Central Ammo. Dep., Havelian.  
2. Mr. Salim Khan Jadoon, EAC.

2. Special Military Court No. 4 convened *vide* convening order dated 4th August, 1977, hereby stands dissolved.

#### No. 23

[Order Reconvening Special Military Court No. 3 (Sector 1)]

[14th September, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 3 of Martial Law Zone B for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of

President : PA 5243 Lt.-Col. Aman Ullah Khan, 30 FF.

Members : 1. PA 11584 Maj. M. Akram Punwar Khan, 22 FF.  
2. Mr. Khalil Khan Khalil, Magistrate Class-I

2. Special Military Court No. 3, convened *vide* convening order dated 27th July, 1977 hereby stands dissolved.

#### No. 24

[Order Convening Summary Military Courts (Sector 2)]

[14th September, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower the following officers of the Armed Forces of Pakistan to hold the Summary Military Courts as mentioned against their names in Sector 2 of Martial Law Zone B for the trial of such offenders as may be brought before them from time to time :—

(a) PSP 5836 Maj. Mir Baz Khan, 58 EME Bn. — Court No. 4

(b) PSS 9408 Maj. Mohammad Aslam, 57 Fd Regt Arty. — Court No. 5

#### No. 25

Special Martial Law Order No. 6, issued by the MLA, Zone B

[17th September, 1977]

1. Whereas it is necessary to make an inquiry into allegations, of acting against the rules/regulations, misuse of official position for

personal and political gains, favouritism and nepotism and accumulation of assets by unfair means by M/s. Nasrullah Khattak, Ex-Chief Minister, Mohammad Iqbal Jadoon, Ex-Chief Minister and Humayun Saifullah, Ex-Minister, of the North-West Frontier Province.

2. Now, therefore, I, Lieutenant-General Sawar Khan, Martial Law Administrator Zone 'B', in exercise of powers conferred by Martial Law Order No. 19, issued by the Chief Martial Law Administrator, appoint the following three Commissions of inquiry to respectively conduct an inquiry against each aforesaid person in respect of the above allegations or any other matter concerning the said persons which may come to the notice of the Commissions during such inquiry :—

(a) *Commission No. 1.* Consisting of :—

- |   |            |
|---|------------|
| (1) Brig. Jamil Imtiaz Shaikh                 | — Chairman |
| (2) Mr. Haider Gul, City Magistrate, Peshawar | — Member   |

(b) *Commission No. 2.* Consisting of :—

- |                                   |            |
|-----------------------------------|------------|
| (1) Brig. Zahcer Ahmed Qureshi    | — Chairman |
| (2) Mr. Ajmal Shah, EAC, Peshawar | — Member   |

(c) *Commission No. 3.* Consisting of :—

- |  |            |
|--|------------|
| (1) Brig. Iqbal Nazir Warraich                   | — Chairman |
| (2) Mr. Hamid Saeed, Lawyer Magistrate, Peshawar | — Member   |

3. It is hereby further ordered that each such Commission, while making the said inquiry, shall have all the powers as are specified in paragraph 4 of the aforesaid Martial Law Order.

4. Any of the aforesaid Commission may also hold inquiry against such other Senator, MNA or MPA, in respect of any matter, as may, from time to time, be specified by the Martial Law Administrator, Zone 'B'.

5. This Order shall come into force with immediate effect.

No. 26

[18th September, 1977]

Whereas it has come to my notice that M/s. Shamsul Mulk, Ghulam Siddiq and Muhammad Ishaq Shinwari, while working as Chairman, General Manager Cold Storages and General Manager, Civil Constructions of the Sarhad Development Authority respectively, presently posted as Officers on Special Duty in the Services and General Administration Department, Government of NWFP, appear to be guilty of corruption and misconduct in the performance of their official duties and it is expedient to conduct an inquiry into the said allegations.

Now, therefore, I, Lieutenant-General Sawar Khan, Martial Law Administrator, Zone 'B' being the competent authority under Martial Law Order No. 17, issued by the Chief Martial Law Administrator, hereby appoint Brig. Zafarul Islam as Inquiry Officer to conduct an inquiry in accordance with the provisions of the said Martial Law Order against the aforesaid officers and submit his report to me before 28th September, 1977.

## No. 27

[24th September, 1977]

The Special Inspection Teams and the Investigation Team, specified hereunder, constituted under Martial Law Order specified against each such Team, are hereby dissolved with immediate effect :—

- |   |   |   |
|---|---|---|
| 1. Special Inspection Team<br>presided over by<br>Brig. Ihsanul Haq.        | — | Constituted under<br>Martial Law Order<br>No. 3.  |
| 2. Special Inspection Team<br>presided over by<br>Brig. Jamil Imtiaz.       | — | Constituted under<br>Martial Law<br>Order No. 4   |
| 3. Special Inspection Team<br>presided over by<br>Brig. Fahim Ullah Khattak | — | Constituted under<br>Martial Law<br>Order No. 5   |
| 4. Investigation Team<br>presided over by<br>Brig. Salahuddin Rana.         | — | Constituted under<br>Martial Law<br>Order No. 12. |

## No. 28

[27th September, 1977]

- (A) The persons specified in column 2 of the Schedule to this Order, who were given Government Jeeps before the March-Elections, are directed to deposit, in Government treasury or any branch of the National Bank of Pakistan, by 10th of October, 1977, the amount specified in column 3 of the said Schedule against each such person, which consists of rent (at the rate of Rs. 120 per day, for use of Government jeep) cost of petrol, lubricants and cost of repairs, wherever applicable.
- (B) If any person fails to deposit the amount as aforesaid by the date specified in clause A of this Order, the District Magistrate of the district where the person resides shall recover the amount by attachment and sale of movable and immovable property of the person concerned in such manner as he deems appropriate.
- (C) Contravention of this Order and obstruction in the process of attachment or sale shall be punishable under Martial Law Regulation No. 14 with rigorous imprisonment for a term which may extend to five years, forfeiture of property and/or whipping not exceeding twenty stripes.

## SCHEDULE

S. No.	Name of persons	Amount
1	2	3

## D. I. KHAN DISTRICT

- |   |   |            |
|---|---|------------|
| 1. Mr. Ghulam Hyder Alizai,<br>Chairman, P.P.P. | — | Rs. 13,670 |
| 2. Mr. Amanullah Kundi.                         | — | Rs. 13,900 |
| 3. Mr. Gulzar Ahmad Khan.                       | — | Rs. 17,510 |

1	2	3
4.	Mr. Shaista Khan Baloch.	— Rs. 13,360
	<b>MALAKAND AGENCY</b>	
5.	Mr. Mohammad Hanif Khan.	— Rs. 18,660
6.	Mr. Fasal Karim.	— Rs. 18,410
	<b>BANNU DISTRICT</b>	
7.	Malik Bahadur Khan, Chairman, P.P.P.	— Rs. 6,860
8.	Mr. Umer Jan.	— Rs. 6,560
9.	Mr. Taj Ali Khan Wazir.	— Rs. 7,160
10.	Mr. Anwar Kamal.	— Rs. 11,560
	<b>HAZARA DIVISION</b>	
11.	Mr. Mohammad Ayub Khan of Allai.	— Rs. 12,503
12.	Mr. Mohammad Hanif Khan of Mansehra.	— Rs. 9,140
13.	Mr. Akhtar Nawaz.	— Rs. 8,300
14.	Mr. Iqbal Khan Jadoon.	— Rs. 5,900
15.	Mr. Fazal Raziq.	— Rs. 22,155
16.	Maulana Abdul Hakim.	— Rs. 21,735
17.	Raja Amanullah Khan.	— Rs. 18,140
18.	Mr. Sarfaraz Khan.	— Rs. 18,140
19.	Mr. Taleh Mohammad Khan.	— Rs. 17,180
20.	Mr. Gulzar Abbas.	— Rs. 26,815
21.	Mr. Mohammad Nawaz Khan of Batal.	— Rs. 8,540
22.	Mr. Mohammad Zarin Khan.	— Rs. 6,020
23.	Mr. Atta Mohammed Khan.	— Rs. 16,438
24.	Mr. Mohammad Yusuf Khan.	— Rs. 13,285
	<b>KOHAT DISTRICT</b>	
25.	Nawabzada Azmat Ali Khan.	— Rs. 8,322
26.	Mr. Iftikhar Gilani.	— Rs. 7,570
27.	Mr. Sakhi Janan Khan.	— Rs. 7,300
	<b>MARDAN DISTRICT</b>	
28.	Mr. Sarfaraz Khan.	— Rs. 14,571
29.	Mr. Sarfaraz Khan.	— Rs. 11,451
30.	Mr. Abdus Sattar Khan.	— Rs. 15,425
31.	Mr. Rahim Dad Khan.	— Rs. 14,465
32.	Mr. Abdus Samad Khan.	— Rs. 13,145
33.	Haji Abdul Mastan,	— Rs. 14,945
34.	Mr. Abdur Raziq Khan.	— Rs. 14,705

1	2	3
35.	Mr. Iftikhar Mohmand.	— Rs. 15,305
36.	Mr. Sher Amen Khan.	— Rs. 15,865
37.	Mr. Rahim Khan of Charchoor.	— Rs. 15,100
<b>CHITRAL DISTRICT</b>		
38.	Maulvi Mohammad Wali.	— Rs. 17,900
<b>PESHAWAR DISTRICT</b>		
39.	Mr. Abdul Latif Khattak.	— Rs. 22,424
40.	Mr. Abdul Latif Khattak.	— Rs. 19,720
41.	Mr. Abdul Latif Khattak.	— Rs. 21,570
42.	Mr. Abdul Latif Khattak.	— Rs. 20,270
43.	Mr. Abdul Latif Khattak.	— Rs. 20,475
44.	Mr. Ghulam Hyder of Amankot.	— Rs. 20,550
45.	Mr. Amir Khisro Khan.	— Rs. 13,955
46.	Mian Feroz Shah.	— Rs. 13,800
47.	Mian Sarfaraz Gul.	— Rs. 14,325
48.	Maj. Aftab Sherpao.	— Rs. 21,325
49.	Maj. Aftab Sherpao.	— Rs. 21,385
50.	Mr. Mohammad Akram Khan.	— Rs. 19,880
51.	Mr. Abdur Rehman Khan.	— Rs. 16,710
52.	Arbab Mohammad Afzal Khan.	— Rs. 19,641
53.	Mr. Noor Ahmed, Advocate.	— Rs. 19,116
54.	Mr. Saifur Rehman Kayani.	— Rs. 19,406
55.	Arbab Mohammad Jehangir Khan.	— Rs. 17,241
56.	S. Muzaffar Shah.	— Rs. 23,121
57.	Mr. Misal Khan.	— Rs. 11,846
58.	Mian Jamal Shah.	— Rs. 22,220
<b>DIR DISTRICT</b>		
59.	Mr. Sultanat Khan.	— Rs. 7,460
60.	Mr. Bakht Jehanzeb Khan.	— Rs. 7,460
61.	Mr. Fazal Ghafoor Khan.	— Rs. 7,460
62.	Mr. Rahim Zada of Taktaband.	— Rs. 18,345
63.	Mr. Fateh Mohammad Khan of Sher Palam.	— Rs. 14,880
64.	Mr. Dost Mohammad Khan.	— Rs. 19,025
65.	Mr. Fasihul Liasan of Kozabandai.	— Rs. 16,750
66.	Mr. Abdur Rauf Khan.	— Rs. 17,200
67.	Malik Hazrat Ali.	— Rs. 17,975

1	2	3
68.	Mr. Sargand Khan.	— Rs. 17,245
69.	Mr. Mohammad Asha Khan.	— Rs. 17,005
70.	Mr. Sher Mohammad Khan.	— Rs. 16,340

## No. 29

[30th September, 1977]

(A) Any loan obtained from any branch of the Frontier Provincial Co-operative Bank Limited by any Co-operative Society or any member of a Co-operative Society, which has become due and has not been paid back, shall be refunded along with the amount of interest, if any, thereon to the respective branch of the said Bank before 20th October, 1977.

(B) Any loan obtained from any Co-operative Society by any member of such Society, which has become due and has not been paid back, shall be refunded along with the amount of interest, if any, thereon to the said Co-operative Society before 20th October, 1977.

(C) If any loan and the amount of interest, if any, specified in clauses A and B of this order, is not paid by the date specified in the said clauses, the Assistant Registrar of Co-operative Societies of the District concerned shall recover the amount by attachment and sale of movable and immovable property of the Co-operative Society concerned or the members thereof or as the case may be, of the member concerned.

(D) Contravention of this order and obstruction in the process of attachment or sale shall be punishable under Martial Law Regulation No. 14, with rigorous imprisonment for a term which may extend to five years, forfeiture of property and/or whipping not exceeding twenty stripes.

## No. 30

[3rd November, 1977]

(A) Martial Law Order No. 20, issued on 5th September, 1977, is hereby rescinded with immediate effect.

(B) All cases under the Emigration Act, 1922 (VII of 1922), and the Passports Act, 1974 (XX of 1974), which were pending before a Military Court, immediately before the coming into force of this Order, shall stand transferred to the criminal Court of competent jurisdiction to be tried and disposed of by such Court in accordance with the Code of Criminal Procedure, 1898 (V of 1898).

## No. 31

[Order Reconvening Special Military Court No. 2 (Sector 2)]

[6th November, 1977]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 2 of Martial Law Zone B for Sector 1 for the trial of such

offenders as may be brought before them from time to time and to consist of.

President : — PA-6359 Lt.-Col. Mohammad Bashir 32 S & T Bn ASC.

Members : — 1. PSS-11908 Maj. Shah Jahan 71 Fd Regt Arty.

2. Mr. Naeem Khan, Magistrate, Class-I.

3. Special Military Courts Nos. 1 and 4 convened *vide* Convening Order dated 27th July, 1977 and 11th December, 1977 respectively, hereby stand dissolved.

### No. 32

#### [Order Convening Summary Military Courts (Sector 1)]

[6th November, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower the following Officers of the Armed Forces of Pakistan to hold the Summary Military Courts mentioned against their names in Sector 1 of the Martial Law Zone B for the trial of such offenders as may be brought before them from time to time :—

(a) PA-11972 Maj. Shaukat Qadir, — Court No. 7  
6 FF

(b) PSS-8986 Maj. Faqir Hussain, — Court No. 8  
37 Punjab

2. Summary Military Courts Nos. 7, 8 and 9, convened *vide* Convening Order dated 10th August, 1977, hereby stand dissolved.

### No. 33

#### [Order Reconvening Summary Military Court No. 2 (Sector 2)]

[6th November, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* No. 4, I hereby empower PSS-8278 Maj. Mohammad Pervaiz, 279 Sig Coy to hold the Summary Military Court No. 2 of Sector 2, Martial Law Zone B for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 2, convened *vide* Convening Order dated 27th July, 1977, hereby stands dissolved.

### No. 34

[10th November, 1977]

1. Whereas it is necessary to make an inquiry into allegations of acting against the rules/regulations, misuse of official position for personal and political gains, favouritism and nepotism and accumulation of assets by unfair means by Mr. Nasrullah Khattak, Ex-Chief Minister of the North-West Frontier Province ;



2. Now, therefore, I, Lieutenant-General Sawar Khan, Martial Law Administrator, Zone 'B', in exercise of powers conferred by Martial Law Order No. 19, issued by the Chief Martial Law Administrator, appoint a Commission of Inquiry consisting of the Chairman and Members specified below to conduct an inquiry against the aforesaid person in respect of the above allegations or any other matter concerning the said person which may come to the notice of the Commission during such inquiry :—

- |  |            |
|--|------------|
| 1. Col. Sheikh Abdul Qadeer, PSC                     | — Chairman |
| 2. Mr. Mian Mohammad Saleem,<br>Magistrate Ist Class | — Member   |

3. It is hereby further ordered that the said Commission, while making the said inquiry, shall have all the powers as are specified in paragraph 3 of the aforesaid Martial Law Order.

4. This Order shall come into force with immediate effect.

#### No. 35

[Special Martial Law Order No. 8, issued by the MLA, Zone B]

[16th November, 1977]

1. Whereas it is necessary to make an inquiry into allegations of acting against the rules/regulations, mis use of official position for personal and political gains, favouritism and nepotism and accumulation of assets by unfair means by Mr. Inayat Ullah Gandapur, Ex-Chief Minister of the North-West Frontier Province :

2. Now, therefore, I, Lieutenant-General Sawar Khan, Martial Law Administrator, Zone 'B', in exercise of powers conferred by Martial Law Order No. 19, issued by the Chief Martial Law Administrator, appoint a Commission of Inquiry consisting of the Chairman and Members specified below to conduct an inquiry against the aforesaid person in respect of the above allegations or any other matter concerning the said person which may come to the notice of the Commission during such inquiry :—

- |                                      |            |
|--------------------------------------|------------|
| 1. Brig. Riaz Ahmad                  | — Chairman |
| 2. Mr. Khalid Mehmood<br>EAC 4 Kohat | — Member   |
| 3. Mr. Gustasap<br>EAC Hangu         | — Member   |

3. It is hereby further ordered that the said Commission, while making the said inquiry, shall have all the powers as are specified in paragraph 3 of the aforesaid Martial Law Order.

4. This Order shall come into force with immediate effect.

#### No. 36

[Order Convening Summary Military Court No. 1 (Sector 1)]

[11th December, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PA-6975 Maj. Dalel Khan, 11 Baluch to hold the Summary Military Court No. 1

of Sector 1, Martial Law Zone B for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Courts Nos. 1, 5 and 11, convened *vide* Convening Orders dated 10th August, and 30th August, 1977, hereby stand dissolved.

### No. 37

#### [Order Convening Summary Military Court No. 4 (Sector 2)]

[11th December, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 4 of Martial Law, Zone B for Sector 2 for the trial of such offenders as may be brought before them from time to time and to consist of :—

- President : — PA-5222 Lt.-Col. Abdul Majid Khan.  
 Members : — 1. PSS-9298 Maj. Aurangzeb Khan.  
 2. Mr. Mian Nasim-ul-Haq, Magistrate Class 1.

### No. 38

[11th December, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 2 of Martial Law, Zone 'B' for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of :

- President — PA 4909 Lt.-Col. Mohammad Afsar 51 EMD Bn.  
 Members — 1. PSS 11908 Maj Shah Jahan 71 Ed Regt Arty.  
 2. Mr. Naeem Khan, Magistrate, Class I

2. Special Military Court No. 2 convened *vide* Convening Order dated 6th November, 1977 hereby stands dissolved.

### No. 39

[13th December, 1977]

1. A Committee consisting of the following officers is hereby constituted to probe into the statements of property submitted under Martial Law Regulation No. 21, so ref to the team, and to consist of

- (a) Brig Mohammad Aslam Zuber. — Chairman  
 (b) Maj. Ali Sarwar — Member  
 (c) One Income Tax Officer — Member  
 (To be provided by Income Tax Deptt).  
 (d) One D.S.P. from the Directorate of Anti-Corruption, NWFP. — Member  
 (e) One Officer from FIA — Member

- (f) One Officer specialised on Revenue matters.

Member

2. The Committee may examine any person as witness in connection with any matter pending before it.

3. The Committee may requisition any record from any office of Government or Statutory body or of any private organization.

4. The Committee may co-opt any Government officer for the proper holding of such inquiry or the preparation of cases.

5. The Committee may conduct the inquiry in any manner, it may deem fit.

6. The Committee shall submit its report to the MLA Zone B alongwith its recommendations in each case. The Committee will also prepare draft charges, duly supported by the evidence wherever necessary.

#### No. 40

[15th December, 1977]

1. A Committee consisting of the following officers is hereby constituted to probe into the statements of property submitted under Martial Law Regulation No. 21, so ref. to the team, and to consist of :

- |   |            |
|---|------------|
| (a) Brig. Mohammad Aslam Zuberi                                   | — Chairman |
| (b) Mr. Mohammad Abbas,<br>DIG Police HQ, Peshawar                | — Member   |
| (c) Sahibzada Mohammad Younas,<br>Member, Board of Revenue, NWFP  | — Member   |
| (d) Mr. Mohammad Iqbal Swati,<br>Deputy Secretary, IS & GAD, NWFP | — Member   |

2. The Committee may examine any person as witness in connection with any matter pending before it.

3. The Committee may requisition any record from any office of Government or Statutory body or of any private organization.

4. The Committee may coopt any Government officer for the proper holding of such inquiry or the preparation of cases.

5. The Committee may conduct the inquiry in any manner, it may deem fit.

6. The Committee shall submit its report to the MLA Zone B alongwith its recommendations in each case. The Committee will also prepare draft charges, duly supported by the evidence wherever necessary.

7. Martial Law Order No. 34 is hereby rescinded.

#### No. 41

[19th December, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PA 6637 Maj. Laiq Shah, 23 Engr. Bn. to hold the Summary Military Court No. 7 of Sector 1, Martial Law Zone B for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 7, convened *vide* Convening Order dated 6th November, 1977, hereby stands dissolved.

**No. 42**

[December, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PSS 8499 Maj. Irshad Hussain, 23 Punjab to hold the Summary Military Court No. 7 of Sector 2, Martial Law Zone B for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 7 convened *vide* Convening Order dated 19th December, 1977 hereby stands dissolved.

**No. 43**

[28th December, 1977]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 1 of Martial Law Zone B for Sector 2 for the trial of such offenders as may be brought before them from time to time and to consist of:

- |           |   |  |
|-----------|---|--|
| President | — | PA 5222 Lt.-Col. Abdul Majid Khan.       |
| Members   | — | 1. PSS-9298 Maj. Aurangzab Khan.         |
|           |   | 2. Mian Nasim-ul-Haq, Magistrate Class I |

2. Special Military Courts Nos. 1 and 4 convened *vide* Convening Order date 27th July 1977 and 11th December, 1977 respectively, hereby stand dissolved.

**No. 44**

[28th December, 1977]

Every Commission so far appointed under Martial Law Order No. 19, issued by the Chief Martial Law Administrator, shall have the power to order Police investigation under paragraph 13 of the said order into any matter coming before it.

**No. 45**

[7th January, 1978]

1. A Committee consisting of the following officers is hereby constituted to probe into the statements of property submitted under Martial Law Regulation No. 21, so referred to the team, and to consist of:

- |   |   |          |
|---|---|----------|
| (a) Col. Abdul Aziz Khan  | — | Chairman |
| (b) Mr. Mohammad Abbas,<br>DIG Police HQ, Peshawar                | — | Member   |
| (c) Sayed Jehan Shah, Secretary,<br>Board of Revenue, NWFP        | — | Member   |
| (d) Mr. Muhammad Iqbal Swati,<br>Deputy Secretary, IS & GAD, NWFP | — | Member   |

2. The Committee may examine any person as witness in connection with any matter pending before it.

3. The Committee may requisition any record from any office of Government or Statutory body or of any private organization.

4. The Committee may co-opt any Government officer for the proper holding of such inquiry or the preparation of cases.

5. The Committee may conduct the inquiry in any manner, it may deem fit.

6. The Committee shall submit its report to the MLA Zone B alongwith its recommendations in each case. The Committee will also prepare the complete cases alongwith draft charges, duly supported by the evidence wherever necessary.

7. Special Martial Law Order No. 10, dated 15th December 1977 is hereby rescinded.

#### No. 46

[7th January, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PA 12522 Maj. Mazhar Bari to hold the Summary Military Court No. 2 of Sector 2, Martial Law Zone for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 2, convened *vide* Convening Order dated 6th November, 1977, hereby stands dissolved.

#### No. 47

[8th January, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower the following officers of the Armed Forces of Pakistan to hold the Summary Military Courts as mentioned against their names in Sector 1 of Martial Law Zone B for the trial of such offenders as may be brought before them from time to time :—

- |  |               |
|--|---------------|
| (a) PSS-9678 Maj. Syed Hamid Hussain<br>Abidi, Punjab Regt. Centre | — Court No. 5 |
| (b) PSS-9031 Maj. Shaukat Hayat,<br>27 Baluch.                     | — Court No. 6 |

2. Summary Military Court No. 5 constituted *vide* convening order dated 30th August, 1977, hereby, stands dissolved.

#### No. 48

[8th January, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 3 of Martial Law Zone B for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of :

President :

PA-6797 Lt.-Col. Mohammad Asif, 6 FF.

Members :

1. PA-8100 Maj. Sikandar Ali Khan, 11 Sig BN.
2. Mr. Ihsan Ali Shah, Magistrate 1st Class, Peshawar.

2. Special Military Court No. 3 convened *vide* convening order dated 14th September, 1977, hereby stands dissolved.

**No. 49**

**[Order Convening Summary Military Courts (Sector 1)]**

*[8th January, 1978]*

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower the following officers of the Armed Forces of Pakistan to hold the Summary Military Courts as mentioned against their names in Sector 1 of Martial Law Zone B for the trial of such offenders as may be brought before them from time to time :—

- (a) Maj. Shabir Ahmed Uamdani, — Court No. 2  
Chitral Scouts.
- (b) PA-7561 Maj. Inām Ullah Khan, — Court No. 3  
13 Baluch.
- (c) PSS-9625 Maj. Mohammad Khan — Court No. 4  
Gondal, 36 Baluch.

2. Summary Military Courts Nos. 2, 3 and 4 constituted *vide* Convening Order dated 10th August, 1977, hereby stand dissolved.

**No. 50**

**[Order Convening Special Military Court No. 5 (Sector 1)]**

*[8th January, 1978]*

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 5 of Martial Law Zone 'B' for Sector 1 for trial of such offenders as may be brought before them from time to time and to consist of,

- President : — PA-6765 Lt.-Col. Safdar Hussain Abid, 27  
Baluch.
- Members : — (1) PA-11029 Maj. Syed Hassan Sheryar,  
55 Cav.
- (2) Mr. Jehangir Khan, Magistrate  
Class 1, Peshawar.

**No. 51**

**[Order Convening Summary Military Court No. 5 (Sector 2)]**

*[6th February, 1978]*

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PSS-9830 Maj. Zaffar Saeed Malik, 35 Punjab to hold the Summary Military Court No. 5 of Sector 2, Martial Law Zone for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 5, convened *vide* Convening Order dated 14th September, 1977, hereby stands dissolved.

## No. 52

**[Order Convening Special Military Court No. 2 (Sector 1)]**

[6th February, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 2 of Martial Law Zone 'B' for Sector 2 for the trial of such offenders as may be brought before them from time to time and to consist of:

President: — PA-7130 Lt.-Col. Tarik Saadat, PSC CO 18 FF.

Members: — 1. PSS-8942 Maj. Fida Mohammad—NCC  
2. Mr. Muhammad Ameen Khattak, Magistrate Class 1.

2. Special Military Court No. 2 (Sector 2) convened *vide* Order dated 27th July 1977, hereby stands dissolved.

## No. 53

**[Order Reconvening Summary Military Court No. 5 (Sector 2)]**

[9th February, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PA-9186, Maj. Muhammad Safdar Ali, 35 Punjab to hold the Summary Military Court No. 5 of Sector 2, Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 5, convened *vide* Order dated 14th January, 1978, hereby stands dissolved.

## No. 54

**[Order Reconvening Summary Military Court No. 6 (Sector 1)]**

[9th January, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PSS-9660 Maj. Ahmed Ali Jan Babar, 27 Baluch to hold the Summary Military Court No. 6 of Sector 1, Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 6, convened *vide* Convening Order dated 4th January 1978, hereby stands dissolved.

## No. 55

**[Order Reconvening Special Military Court No. 9 (Sector 1)]**

[9th February, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PA-5175 Maj. Khalid Saeed, Punjab PRC Mardan to hold the Summary Military Court No. 9 of Sector 1, Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 9, convened vide Order dated 10th August, 1977, hereby stands dissolved.

No. 56

[Order Reconvening Special Military Court No. 4 (Sector 1)]

[9th February, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator vide Order No. 4, I hereby reconvene Special Military Court No. 4 of Martial Law Zone 'B' for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of:

President : — PA-4318 Lt.-Col. Ahmad Mukhtar, FFR Centre, Abbottabad.

Members : — 1. PA-8114 Maj. Mohammad Zia, FFR Centre, Abbottabad.

2. Mr. Salim Khan Jadoon, SAC Abbottabad.

2. Special Military Court No. 4, convened vide Order dated 4th August, 1977, hereby stands dissolved.

No. 57

[10th February, 1978]

1. Whereas it has come to my notice that Mr. Mohammad Ibrahim Khan, Director-General, Population Planning Board NWFP, Peshawar, appears to be guilty of corruption and misconduct in the performance of his official duties as Director-General, Population Planning Board, NWFP, Peshawar and it is expedient to conduct an inquiry into the said allegations.

2. Now, therefore, I, Lieutenant-General Fazle Haq, Martial Law Administrator, Zone 'B', being the competent authority under Martial Law Order No. 17, issued by the Chief Martial Law Administrator, hereby appoint Lt.-Col. Mohammad Asif, FF as Inquiry Officer to conduct an inquiry in accordance with the provisions of the said Martial Law Order against the aforesaid Officer and submit his report to me within a period of two weeks from the commencement of the Order.

No. 58

[10th February, 1978]

1. Whereas an inquiry under Martial Law Order No. 17, issued by the Chief Martial Law Administrator, has been ordered against Mr. Mohammad Ibrahim Khan, Director-General, Population Planning Board, NWFP, Peshawar, for charges of corruption and misconduct, and it is expedient to suspend him.

2. Now, therefore, in exercise of the powers conferred by Martial Law Order No. 29, issued by the Chief Martial Law Administrator, Mr. Mohammad Ibrahim Khan, Director-General, Population Planning Board, NWFP, Peshawar, is suspended from service with immediate effect.



3. During the period of suspension Mr. Mohammad Ibrahim Khan shall be entitled to subsistence allowance as admissible under the rules.

**No. 59**

**[Appointment of Inquiry Officer]**

*[16th February, 1978]*

1. Whereas it has come to my notice that Mr. Kalim Dil Khan, S.P. Survey, Peshawar appears to be guilty of corruption and misconduct in the performance of his official duties as S.P., Mardan and it is expedient to conduct an inquiry into the said allegations.

2. Now, therefore, I, Lieutenant-General Fazle Haq, Martial Law Administrator, Zone 'B' being the competent authority under Martial Law Order No. 17, issued by the Chief Martial Law Administrator, hereby appoint PA. 6717 Lt.-Col. Akhtar Ali, Sigs., as Inquiry Officer to an inquiry in accordance with the provisions of the said Martial Law Order against the aforesaid Officer and submit his report to me within period of two weeks from the commencement of this order.

**No. 60**

**[Suspension of S. P. Survey, Peshawar]**

*[16th February 1978]*

1. Whereas an inquiry under Martial Law Order No. 17, issued by the Chief Martial Law Administrator, has been ordered against Mr. Kalim Dil Khan, S. P. Survey, Peshawar for charges of corruption and misconduct, and it is expedient to suspend him.

2. Now, therefore, in exercise of the powers conferred by Martial Law Order No. 29, issued by the Chief Martial Law Administrator, Mr. Kalim Dil Khan is suspended from service with immediate effect.

3. During the period of suspension Mr. Kalim Dil Khan shall be entitled to subsistence allowance as admissible under the rules.

**No. 61**

*[15th February, 1978]*

1. In this Order the terms used shall have the same meaning as are assigned to them in the West Pakistan Foodstuffs Distribution Order, 1967.

2. Notwithstanding anything contained in the West Pakistan Foodstuffs Distribution Order, 1967 (hereinafter referred to as the said Order), the following persons shall be ineligible to apply for or be granted an authorisation under clause 4 of the said Order, namely :

(a) Persons who are below eighteen years of age.

(b) Persons who have been convicted of an offence involving moral turpitude during the period of ten years preceding the date of application for grant of authorisation.

(c) Persons who already hold an authorisation in their own name or in the name of any of their relatives or have any interest in any form or manner in any authorisation anywhere in the same district.

- (d) Persons who have any of their relatives working in the Food Department of the same district.
- (e) Persons who have sublet their authorisation to persons suffering from any of the above disqualifications.

*Explanation.*—The term "relative" for the purpose of this Order means wife, father, son, uncle, mother, brother, sister, nephew, niece, father-in-law, mother-in-law, sister-in-law and brother-in-law.

3. All existing authorisations issued after the first day of July, 1972, to persons who suffered from any of the disqualifications mentioned in paragraph 2 of this Order or issued without observing the procedure prescribed by the Provincial Government, and all authorisations cancelled by a District Magistrate, District Food Controller or Ration Controller, at any time after the fifth day of July, 1977, but before the issue of this Order, on the ground that the holders thereof suffered from any of the disqualifications mentioned in that paragraph or on the ground that the procedure prescribed was not followed, shall be deemed to have been cancelled under sub-clause (1) of clause 6 of the said Order.

4. (A) Whenever there is a need for grant of any authorisation in a district, the fact shall be published in the Press or in any other manner as the District Magistrate considers expedient under the local circumstances and applications invited from eligible candidates for grant of authorisation on a form to be prescribed by Government and upon deposit of a non-refundable fee of Rs. 5 in the Government Treasury.

(B) The applications shall be scrutinised by the District Allotment Board from the point of view of eligibility and those suffering from any of the disqualifications laid down in paragraph 2 of this order shall be rejected.

(C) Any person aggrieved by the decision taken under sub-para. (B) above, may prefer an appeal to the District Magistrate within thirty days of such decision and his order shall be final.

(D) After scrutiny of the applications under sub-para (B) above, the selection of candidate for grant of authorisation shall be made by a draw of ballot under the supervision of the District Allotment Board :

Provided that, in the case of authorisation for a rural area, preference shall be given to a co-operative society, if any which in the opinion of the District Magistrate has been functioning in the area satisfactorily:

Provided further that in the event of the death of a person holding an authorisation, either alone or jointly with some partner or partners, preference shall be given to the widow or any of the children of the deceased and to the surviving partner or partners, unless the District Magistrate for reasons to be recorded in writing, considers it inappropriate to do so.

(E) The authorisation shall be issued in the name of the successful candidate subject to the approval of the District Magistrate, but the District Magistrate may, for reasons to be recorded in writing, pass an order refusing to issue an authorisations in the name of a successful candidate.

(F) In case an authorisation is refused by the District Magistrate, he may direct the District Allotment Board to hold a fresh ballot and in that connection he may pass such other orders as he deems necessary.

(G) Any person aggrieved by an order passed under sub-para (F) above, may prefer an appeal to the Commissioner within thirty days of the said order and his decision thereon shall be final.

5. This Order shall be in addition to such provisions of the West Pakistan Foodstuffs Distribution Order, 1967, which are not inconsistent with the provisions of this Order.

**[Special Military Court No. 6 (Sector 1)]**

*[6th March, 1978]*

The Martial Law Administrator, Zone 'B' is pleased to authorise each Commissioner of the Division to receive and dispose of review petitions, pertaining to his Division, filed under paragraph 3-A of Martial Law Order No. 61.

**No. 62**

**[Order Reconvening Special Military Court No. 6 (Sector 1)]**

*[21st February 1978]*

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 6 of Martial Law Zone 'B' for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of

- |           |   |   |
|-----------|---|---|
| President | : | PA-4909 Lt.-Col. Mohammad Afsar,<br>51 EME Bn.          |
| Members   | : | 1. PA-7399 Maj. Nazir Ullah Qazi,<br>71 Fd. Regt. Arty. |
|           |   | 2. Mr. Naeem Khan,<br>Magistrate Class-I                |

**No. 63**

*[23rd February, 1978]*

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 4 of Martial Law Zone 'B' for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of

- |           |   |  |
|-----------|---|--|
| President | : | PA-4318 Lt.-Col. Ahmed Mukhtar,<br>FFR Centre, Abbottabad.   |
| Members   | : | 1. PSS-8247 Maj. Muhammad Mohsin,<br>FFR Centre, Abbottabad. |
|           |   | 2. Mr. Salim Khan Jadoon, EAC,<br>Abbottabad.                |

2. Special Mil. Court No. 4 constituted *vide* Convening Order dated 9th February, 1977 hereby stands dissolved.

## No. 64

[6th March, 1978]

The following amendment shall be made in Martial Law Order No. 61.

After paragraph 3, the following new paragraph shall be inserted, namely :—

“3A. Any person considering himself aggrieved by any action taken or order made in pursuance of paragraph 3 of this order may, within ten days of issue of Martial Law Order No. 64, apply for a review of his case to the Martial Law Administrator, Zone 'B', or any person authorised by him in this behalf, and the Martial Law Administrator, Zone 'B', or as the case may be the person so authorised may make such order thereon as he thinks fit”.

## No. 65

[18th March, 1978]

In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 1 of Martial Law Zone 'B' for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of

President : PA-15717 Lt Col Mohammad Aziz Khan,  
30 Baluch.

Members : 1. PSS-9357 Major Riaz Ul Haq, FF  
(Dir Scouts)  
2. Mr. Hayat Ullah, APA Malakand

2. Special Military Court No. 1, convened *vide* Order dated 27th July, 1977, hereby stands dissolved.

## No. 66

[18th March, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower the following officers of the Armed Forces of Pakistan to hold the Summary Military Courts as mentioned against their names in Sectors 1 and 2 of Martial Law Zone 'B' for the trial of such offenders as may be brought before them from time to time :—

(a) PSS-8533 Major Farman Ullah — Court No. 3 Sec-1.  
13 Baluch.

(b) PSS-9088 Major Zulfiqar Hussain — Court No. 4 Sec-1.  
30 Baluch.

(c) PSS-9534 Major Sabir Ayoub — Court No. 3 Sec-2.  
23 Punjab.

2. Summary Military Courts Nos. 3 and 4 of Sec-1 and Summary Military Court No. 3 of Sec-2 constituted *vide* convening orders dated 8th January, 1977 and 19th December, 1977, respectively, hereby, stands dissolved.

## No. 67.

[21st March, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 2 of Martial Law Zone 'B' for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of

President : PA-4062 Lt Col Amir Mohammad Khan  
 Members : 1. PSS-14725 Captain Nabi Ahmed  
 2. Mr. Abdul Waqil Shah, EAC

2. Special Military Court No. 2 convened *vide* Convening Order dated 11th December, 1977, hereby stands dissolved.

## No. 68

[22nd March, 1978]

Colonel Muhammad Amin Malik, Col G.S, Headquarters 11 Corps is hereby appointed, with immediate effect, Chairman, in place of Col Abdul Aziz Khan, of the Committee constituted under Martial Law Order No. 45 issued on 7th January, 1978.

## No. 69

[22nd March, 1978]

The following amendment shall be made in Martial Law Order No. 28, issued on 27th September, 1977, namely.

In Martial Law Order No. 28, in the schedule, for the amounts specified against serial numbers 45, 46, 47, 53, 57 and 64, the amounts specified hereunder shall be substituted :—

S. No.	AMOUNT
45	Rs. 5,915/-
46	Rs. 6,760/-
47	Rs. 5,685/-
53	Rs. 13,956/-
57	Rs. 5,726/-
64	Rs. 14,105/-

## No. 70

[22nd March, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PA-5710 Major Mohammad Iqbal, PRC Mardan to hold the Summary Military Court No. 11 of Sector 1 of Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

## No. 71

[28th March, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PSS-11645 Major Zahur Ahmed Khan, 11 Sig Bn to hold the Summary Military Court No. 7 of Sector 1 of Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 7, convened *vide* Convening Order dated 19th December, 1977, hereby stands dissolved.

**No 72**

[11th April, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 1 of Martial Law Zone B for Sector 2 for the trial of such offenders as may be brought before them from time to time and to consist of.

President : — PA-6099 Lt.-Col. Rashid Ali Khan, CO, 25 Cavalry.

Members : — 1. PSS-9298 Maj. Aurangzeb Khan.  
2. Mian Nasim-ul-Haq Magistrate.

2. Special Military Courts No. 1 convened *vide* Convening Order dated 28th December, 1977, hereby stands dissolved.

**No. 73**

[23rd April, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order 4, I hereby empower PSS-8907 Major Khalid Riaz, 70 Fd Regt Arty to hold the Summary Military Court No. 2 of Sector 2 of Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 2, convened *vide* Convening Order dated 7th January, 1978, hereby stands dissolved.

**No. 74**

[30th April, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby convene Special Military Court No. 7 of Martial Law Zone 'B' for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of.

President : — PA-5996 Lt.-Col. Mazhar Hussain Kawish  
11 Sig Bn

Members : — 1. PA-7399 Maj. Nazir Ullah Qazi, 71 Fd  
Regt Arty

2. Mr. Naeem Khan, Magistrate Class I

**No. 75**

[30th April, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PSS-10877 Maj Shabir Ahmad, 10 Med Regt Arty to hold the Summary Military Court No. 7 of Sector 1 of Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 7, convened *vide* Convening Order dated 28th March, 1978, hereby stands dissolved.

## No. 75-A

[9th March, 1978]

In exercise of the powers conferred upon me by sub-paragraph (c) of paragraph 1 of Martial Law Order No. 2, issued by the Chief Martial Law Administrator, I hereby appoint the following officers as Deputy/Sub-Martial Law Administrators for the Sectors/Sub-Sectors as mentioned against each :—

- (a) *Sector-1* (Peshawar Division less Kohat District, Malakand and Hazara Divisions).
- (1) PA-3215 Maj. Gen Ehsan-ul — DMLA Sector 1  
Haq Dar
- (2) PA-4502 Brig Manazar — SMLA Sub-Sector 1 (Malakand  
Hussain 6 Bde Division)
- (3) PA-4877 Brig Zaheer — SMLA Sub-Sector 2 (Hazara  
Ahmed Quareshi, 102 Bde Division)
- (4) PA-5342 Brig Pir Dad Khan — SMLA Sub-Sector 3 (Peshawar  
27 Bde District)
- (5) PA-3448 Brig Zain-ul-Huda — SMLA Sub-Sector 4 (Mardan  
Khan District)
- (b) *Sector 2* (D.I. Khan Division and Kohat District)
- (1) PA-3708 Maj. Gen Syed — DMLA Sector 2  
Rafaqat
- (2) PA-5005 Brig Choudary — SMLA Sub-Sector 1 (Kohat  
Iqbal Nazir Waraich, 117 District)  
Bde
- (3) PA-3822 Brig Abdul Qaiy- — SMLA Sub-Sector 2 (Bannu  
um Anjum, 116 Bde District)
- (4) PTC-3673 Brig Aman-ur- — SMLA Sub-Sector 3 (D.I. Khan  
Rehman Khan, Comd Sec District)  
HQ NG DIK

## No. 76

[13th May, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PSS-10906 Maj Ahsan Tahir, PRC Mardan to hold the Summary Military Court No. 9 of Sector 1 of Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 9, convened *vide* Order dated 9th February, 1978, hereby stands dissolved.

## No. 77

[15th May, 1978]

1. This Martial Law Order shall extend to the whole of Zone 'B' and shall come into force at once.

2. No person shall use as genuine any ration card which he knows or has reasons to believe to be forged ration card or cause such ration

card to be used for drawing, issuing or distributing any article of food specified therein from any Factory, Mill or Ration Depot.

*Explanation.*—A person is said to make or obtain a forged ration card.

- (a) Who dishonestly or fraudulently enters any false particular in a ration card or causes such particular to be so entered or makes any alteration therein for the purpose of drawing, issuing or distributing any article of food in excess to his entitlement under any law, rule or regulation ; or
- (b) Who dishonestly or fraudulently obtains, makes or issues or causes to be obtained, made or issued any ration card in any fictitious name or in the name of a person who is dead or not yet born, or who is not actually residing in the locality or the house mentioned in the ration card ; or
- (c) Who dishonestly or fraudulently makes or obtains or causes to be made or obtained more than one ration card for use in different ration areas for the purpose of drawing, issuing or distributing any article of food in excess to his entitlement under any law rule or regulation.

3. Any person who is in possession of or is holding a forged ration card shall surrender it to the Rationing Controller of the area shown in the ration card or to such person as may be authorised in this behalf by the Food Controller not later than 31st May 1978.

4. (1)—A District Food Controller shall, either himself or through such person as may be authorised by him in this behalf, verify the authenticity and veracity of the ration cards issued to and held by persons living in his area and shall, in particular examine the quota drawn and held by Depot holders and retail distributors with reference to the ration cards registered with them.

(2)—Every District Food Controller shall, fortnightly, furnish to the MLA a report of the scrutiny/check carried out under sub-paragraph (1).

(3)—No one shall obstruct the District Food Controller or any person authorised by him in this behalf, in the performance of functions under sub-paragraph (1) or refuse to reply to any query made by the District Food Controller or the person authorised by him in this behalf.

5. Whoever contravene or attempts or abets the contravention of any of the provisions of this Order shall be punished under the provisions of Martial Law Regulation No. 14.

No. 78

[24th May, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby reconvene Special Military Court No. 2 of Martial Law Zone 'B' for Sector 1 for the trial of such offenders as may be brought before them from time to time and to consist of

- |             |   |                                      |
|-------------|---|--------------------------------------|
| President : | — | PA-4062 Lt.-Col. Amir Mohammad Khan. |
| Members :   | — | 1. PSS-14725 Captain Nabi Ahmed      |
|             |   | 2. Mr Khalil Khan Khalil, EAC        |



2. Special Military Court No. 2 convened *vide* Convening Order dated 21st March, 1978, hereby stands dissolved.

No. 79

[24th May, 1978]

The following amendments shall be carried out in Martial Law Order No. 75-A of this Zone, hereinafter referred as the said MLO namely :—

- (a) in the said MLO in sub-paragraph (a) in clause (3) for the words, "PA-4877 Brig Zaheer Ahmed Qureshi, 102 Bde", the words, "PA-3611 Brig Jamal Mohammed, SJ, Comdt Baluch Centre" shall be substituted with effect from 1st June 1978.
- (b) in the said MLO in sub-paragraph (a) in clause (4) for the words "PA-5342 Brig Pir Dad Khan, 27 Bde", the words, "PA 4877 Brig Zaheer Ahmed Qureshi, 102 Bde" shall be substituted with effect from 7th June 1978.

No. 80

[27th May, 1978]

1. In exercise of the powers conferred upon me by Chief Martial Law Administrator *vide* Order No. 4, I hereby empower PA-11996 Major Syed Shah Sikandar, 105 IAP to hold the Summary Military Court No. 6 of Sector 1, of Martial Law Zone 'B' for the trial of such offenders as may be brought before him from time to time.

2. Summary Military Court No. 6 convened *vide* Convening Order dated 9th February 1978, hereby stands dissolved.

# INSTRUCTIONS

By

## MARTIAL LAW ADMINISTRATOR, ZONE 'B'

No. 1

[2nd August, 1977]

Lt.-Gen. Sawar Khan, Martial Law Administrator, Zone 'B' has issued the following instruction No. 1 :—

For the purpose of administering Martial Law, the province of NWFP including Federally Administered Tribal Areas (FATA) has been divided into two sectors and Deputy Martial Law Administrator (DMLAS) are appointed as under :—

Civil Division of Peshawar except Kohat District, Malakand Division, Hazara Division, Agencies of Bajour, Mohamand, Khyber and tribal area adjoining Peshawar District—Deputy Martial Law Administrator Maj Gen Fazle Haq, headquarters located at Peshawar Cantt.

No. 2

[2nd August, 1977]

Civil Division of D. I. Khan, District Kohat of Peshawar Division, Agencies of Orakzai, Kurram, North Waziristan, South Waziristan and tribal areas adjoining Districts of Kohat, Bannu and D.I. Khan—Deputy Martial Law Administrator Maj. Gen. Mujib-ur-Rehman Khan, headquarters located at Kohat.

### General

1. This instruction deals with investigation of cases and conduct of trial by a Summary Military Court.

2. The Military Courts of criminal jurisdiction have been convened with the Primary object of re-building people's confidence in the system of law and restoration of the supremacy of rule of justice. Military Courts must contrive to achieve this object through fairness, quick administration of justice and awarding deterrent punishments in deserving cases.

3. Arrest. Anyone contravening any CMLR, CMLO, MLO Zone 'B' or committing any offence under any other law for the time being in force, may be arrested by any member of the law enforcing agencies and confined in military or civil custody, pending, further investigation and orders. The arrest will be reported by quickest possible means to SMLA of the sub-Sector.

### Investigation

4. The cases will come up before Martial Law Authorities from the following sources :—

- (a) Through police when a case is originally lodged in form of FIR and Police/Civil Administration deems appropriate to refer it to army authorities for the purpose of trial.

- (b) Army authorities when they take direct cognizance of an offence.
- (c) Through complaint cells.

As a general rule, arrest in agency will also function as investigating agency. However, it should be ensured that a case will always be investigated by army authorities or a Magistrate when police is a party to the case. Similarly, corruption cases should also be investigated by army authorities. Cases of extraordinary importance should be marked to special Inspection Teams headed by high ranking army officers for investigation.

5. Investigating agency will collect sufficient evidence to prove the offence and frame a tentative charge-sheet. In complicated cases and where it is apprehended that the case is likely to be tried by a Special Military Court, it is advisable to record a S of E in accordance with PAA Rule 13. However, if it is not possible, then abstract of evidence may be prepared in the light of PAA Rule 13-A and Appendix 5 thereto. Thereafter, the case, comprising of a tentative charge-sheet and S of E/Abstract of Evidence or an investigation report will be submitted to HQ SMLA. Investigation of a case should follow the cardinal principle that it must commence within 24 hours after an accused has been put under confinement and investigation should ordinarily be completed within 72 hours failing which reasons for delay should be submitted to the respective SMLA.

6. Processing of case at HQ SMLA. On perusal of a case at HQ SMLA, following actions may be taken :—

- (a) The case may be dismissed straightaway having no merit

OR

- (b) It may be referred to the Ordinary Courts of competent jurisdiction

OR

- (c) The case, warranting trial by a Special Military Court may be submitted to the respective DMLA

OR

- (d) The case may be tried by a Summary Military Court.

Broadly speaking all offences under the ordinary law should be tried by the ordinary courts. The offences under ML Regulations/Orders shall be tried by the Military Courts, set up under CMLO No. 4. Cases, the trial of which is likely to have cleansing effect on the society, should also be tried by Military Courts. Also, the cases, the trial whereof will accelerate restoration of normalcy and pavement of way for holding General Elections in October, 1977, should be tried by Military Courts. Once it is decided that a case should be tried by a Summary Military Court, it should be presented to the Court available in the sub-sector. However, if no such court is available, SMLA may request the DMLA to nominate a court for trial. Before presenting a case to the Court, the Staff Officer at HQ SMLA will ensure that the charge-sheet spells out the offences distinctly. He will also sign the charge-sheet. However, in rare cases, when further pre-trial advice is required by SMLA, the case may be forwarded to HQ MLA (Legal Branch).

### Summary Military Courts

7. **Jurisdiction.** In pursuance of CMLA Order 4, Summary Military Courts have been convened in both the Sec. They are empowered to try and punish any person who contravenes Martial Law Regulations or Orders or commits an offence(s) under any other law for the time being in force in their respective sectors as specified in the convening order, or they may try such other cases as may be brought before the court on the direction of MLA/DMLA. The condition imposed by PAA Sec. 88 for attending a SCM by two officers or two junior commissioned officers or one officer and one junior commissioned officer will not apply to the proceedings of a Summary Military Court.

#### *Powers of Punishment*

- (a) Rigorous imprisonment : Up to one year.
- (b) Whipping : Not exceeding 15 stripes.
- (c) Fine : Not exceeding Rs. 5,000.00

legal adviser or any other person. A person so assisting him may advise him on all points and suggest the questions to be put up witnesses, but he shall not examine, cross-examine, or address the Court.

10. **Oath.** The Court will be duly sworn in accordance with PAA Rules 93. The Officer constituting the Court will also take interpreters oath or he may so appoint an impartial person who will be duly sworn.

11. **Arraignment of the Accused.** The accused will be arraigned on each charge separately and his plea should be recorded as "Guilty" or "Not Guilty". Although the Court is not bound to prepare a formal charge sheet, however, the charge sheet received from HQ SMLA should distinctly spell out the charges, failing which it should be done by the Court.

12. **Procedure on plea of Guilty.** If the accused pleads guilty to the charge(s), his plea should be recorded as the finding of the court. In that case the Court shall read S of E or Abstract of Evidence and Annex it to the proceedings. If case S of E or Abstract of Evidence has not been recorded before hand, the court shall record sufficient evidence in form of memorandum that could prove the charges(s) and apprise the countersigning authority as to the nature of case. Before convicting the accused on his plea of "Guilty", the Court should also ascertain that he has clearly understood the consequences of his plea and the difference in procedure that his plea would make. In case it appears from the statement of the accused or recorded evidence or otherwise that the accused should have pleaded "Not Guilty", the Court shall alter the plea of the accused and proceed with the trial accordingly. Once an accused has been convicted on a plea of "Guilty", he shall be given the opportunity to produce evidence as to his character.

13. **Procedure on a plea of not Guilty.** After recording a plea of "Not Guilty", the Court shall record sufficient evidence in form of a memorandum to prove the charge(s). However, the Court should adhere to the general rules of recording evidence and no piece of evidence, otherwise inadmissible, shall be entertained. The Court should also

provide full opportunity and assistance to the accused for producing his defence.

14. **Findings.** The Court shall appreciate the evidence, both for and against the accused, including any statement if he has made, to arrive at a verdict. Finding shall be simply recorded as "Guilty" or "Not Guilty". If necessitated, a special finding may also be recorded.

15. **Procedure on Conviction.** Under Military Law the rules of evidence only allow evidence of an accused's character in the form of previous conviction, written evidence of which must be produced. Oral evidence of Police Officers or other persons to the effect that the accused is a "bad hat" or a "desperado" is inadmissible.

16. **Sentence.** Before deciding upon the quantum of sentence, due consideration will be given to the statement of the accused made in mitigation of punishment, his character and previous convictions. In case of the sentence of whipping, if it desired by the Court that it should be executed in public, a special direction to that effect shall also be made as a part of sentence.

17. **Promulgation.** Sentence of a Summary Military Court will be promulgated forthwith. However, in case of sentence of whipping whether awarded alone or in combination of any other punishment, the sentence shall not be promulgated till such time the proceedings of the trial are duly countersigned.

18. **Post Trial Advice.** The proceedings of a Summary Military Court will be forwarded straightaway to HQ MLA (Legal Branch) for post trial advice.

19. **Preservation of Proceedings.** After countersignature the proceedings will be forwarded to HQ DMLA of the Sector for preservation. On winding up of Martial Law the proceedings will be forwarded to HQ 11 Corps, Peshawar Cantt., where they will be preserved for 3 years.

20. **Reports and Returns.** Each Court will forward a report to HQ MLA (Legal Branch) to respective DMLA HQs. on every Saturday showing the details of cases tried during the week ending last Thursday. The report will be compiled as per Annex. "A" to this instr.

21. This instruction, though takes on a cases coming up at HQ SMLA, is also applicable to the cases directly landin at DMLA HQ's or for that matter even HQ MLA with the obvious changes in the mode of proceeding.

## 22. Books/References

(a) MPML Vols. I & II.

(b) Guide to SCM under PAA (Reprint 1972).

(c) PAFD 907 (Form of Proceedings of a Summary Court Martial under Pakistan Army Act).

(d) Notes on Pakistan Military Law (Reprint 1973).

(e) Chief Martial Law Regulations (CMLR), Chief Martial Law Orders (CMLO) and Martial Law Orders, Zone "B" (MLO Zone "B") and Martial Law Instructions, Zone "B" (MLIs Zone "B").

**MLA Zone B Instr. 2 (Legal)**

SUMMARY MILITARY COURT No. \_\_\_\_\_ SECTOR \_\_\_\_\_

[illegible]

## ANNEXURE B

To MLI No. 2 (Legal)

**Warrant of Commitments for Use when a Prisoner is sentenced to imprisonment or whipping or both**

To

The Superintendent

Jail-----

Whereas at a Summary Military Court held at-----on  
the-----day of-----1977, Name-----s/o  
-----caste-----Village-----  
Thana-----Tehsil-----District-----was duly  
convicted of offence (s) under Martial Law Regulation No./Sector-----  
and whereas the said Summary Military Court on the-----day of-----  
1977, passed the following sentence upon the said-----  
-----that is to say :

(a) -----

(b) -----

This is to require and authorise you to receive the said-----  
into your custody, together with this warrant and carry the aforesaid,  
sentence into execution according to law. The sentence of imprisonment  
has effect from-----1977. Given under my hand at-----  
this the-----day of 1977.

Signature-----

Officer Holding the  
Summary Military

Court No.-----

Sector-----

No. 3

[6th August, 1977]

**General**

1. This instruction deals with investigation of cases and conduct of trial by a Special Military Court.

2. The Military Courts of criminal jurisdiction have been convened with the primary object of re-building people's confidence in the system of law and restoration of the supremacy of rule of justice. Military Courts must contrive to achieve this object through fairness, quick administration of justice and awarding deterrent punishments in deserving cases.

3. Arrest. Any one contravening any CMLR, CMLO, MLO Zone 'B' or committing any offence under any other law for the time being in force, may be arrested by any member of the law enforcing agencies and confined in military or civil custody, pending further investigation and orders. The arrest will be reported by quickest possible means to SMLA of the sub-Sector.

**Investigation**

4. The cases will come up before Martial Law Authorities from the following sources :--

(a) Through police when a case is originally lodged in form of

F.I.R. and Police/Civil Administration deems appropriate to refer it to army authorities for the purpose of trial.

- (b) Army authorities when they take direct cognizance of an offence.
- (c) Through complaint cells.

As a general rule, arresting agency will also function as investigating agency. However, it should be ensured that a case will always be investigated by army authorities or a Magistrate when police is a party to the case. Similarly, corruption cases should also be investigated by army authorities. Cases of extraordinary importance should be marked to special Inspection Teams headed by high ranking army officers for investigation.

5. Investigating agency will collect sufficient evidence to prove the offence and frame a tentative charge sheet. In complicated cases and where it is apprehended that the case is likely to be tried by a Special Military Court, it is advisable to record a S of E in accordance with PAA Rule 13. However, if it is not possible, then abstract of evidence may be prepared in the light of PAA Rule 13-A and Appendix 5 thereto. Thereafter, the case, comprising of a tentative charge sheet and S of E/ Abstract of Evidence or an investigation report, will be submitted to HQ SMLA. Investigation of a case should follow the cardinal principle that it must commence within 24 hours after an accused has been put under confinement and investigation should ordinarily be completed within 72 hours failing which reasons for delay should be submitted to the respective SMLA.

6. Disposal of a case at HQ SMLA: On perusal of a case at HQ SMLA, following actions may be taken:—

- (a) The case may be dismissed straightaway having no merit
- (b) It may be referred to the Ordinary Courts of competent jurisdiction

Or

- (c) The case may be tried by a Summary Military Court

Or

- (d) The case, warranting trial by a Special Military Court, may be submitted to the respective DMLA.

7. Processing of cases at HQ DMLA. On receiving a case at Sector HQ, Staff Officer will process it. He will prepare a pre-trial brief and a draft charge-sheet for the DMLA. The DMLA, keeping in view the full facts and circumstances of the case, may take one of the following actions;

- (a) Return the case to SMLA for trial by Summary Military Court.

Or

- (b) Refer the case to an ordinary Court of competent jurisdiction.

Or

Refer the case to HQ MLA, Zone A for getting pre-trial advice for trial by Special Military Court.

As a general rule all offences under the ordinary law should be tried by the ordinary Courts. The offences under ML Regulations/



Orders shall be tried by the Military Courts, set up under CMLO No. 4. Cases, the trial of which is likely to have cleansing effect on the society, should also be tried by Military Courts. Also, the cases, the trial whereof will accelerate restoration of normalcy and pavement of way for holding General Elections in October, 1977, should be tried by Military Courts. Also, the cases like theft, dacoity such as looting of banks, shops, lifting of Cars etc. by Organized gangs, child lifting and other heinous offences against person should be tried by Special Military Court.

#### 8. Constitution of a Special Military Court

- (a) President Lt.-Col
- (b) Member 1. Major/Captain
- 2. Magistrate Ist Class.

9. **Jurisdiction.** In pursuance of CMLA Order-4, Special Military Courts have been convened in both the Sectors. They are empowered to try and punish any person who contravenes Martial Law Regulations or Orders or commits an offence (s) under any other law for the time being in force in their respective sectors as specified in the convening order, or they may try such other cases as may be brought before the court on the direction of MLA/DMLA.

10. **Prosecutor.** Public Prosecutor/Additional Public Prosecutor of the district to which the case pertains or the respective Prosecuting Inspector, as desired by DMLA in view of the merits of the case.

11. **Defence Counsel.** The accused may, if he so desires, engage a properly qualified counsel, who shall be deemed to be properly qualified to appear before a Special Military Court if he fulfils the following conditions ;

- (a) Is a citizen of Pakistan.
- (b) Is a legal practitioner authorized to practise in a Court of Sessions in Pakistan.

#### 12. Powers of punishment

- (a) Death
- (b) Amputation may be awarded in respect of following offences :—
  - 1. Theft
  - 2. Dacoity.
  - 3. Robbery.

The sentence of amputation shall not be combined with any other punishment.

- (c) Imprisonment for life
- (d) RI for 14 years
- (e) Whipping 30 stripes. Provided that whipping shall not be inflicted on the following :—
  - (a) Women
  - (b) Men over 45 years or below the age of 18 years.
- (f) *Fine.* Unlimited, unless otherwise specified in a Martial Law Regulation, under which the accused is charged.

- (g) Forfeiture of movable and/or immovable property, either complete or in part. Utensils, clothings and other items of necessity for life shall not be forfeited.

13. **Permissible Combination of Punishments.** As allowed by CMLO No. 5, para. 2.

14. **Form of proceedings.** The proceedings of a Special Military Court will follow the general procedure of a Field Court Martial and its record will be made on the specimen attached as Annexure "A" to this instruction.

15. **Charge-sheet.** Appropriate charges based on the facts disclosed by the Summary of Evidence/Abstract of Evidence will be framed against the accused. The charge-sheet will be signed by the Staff Officer so authorised by HQ DMLA.

16. **Oaths.** The Court will be duly sworn in accordance with PAA Rules 36. The President of the Court will also take interpreters oath or he may so appoint an impartial person who will be duly sworn.

17. **Arraignment.** The accused will be arraigned on each charge and his answer in the form of "Guilty" or "Not Guilty" recorded on each charge.

18. **Procedure on "Plea of Guilty".** If the accused pleads "Guilty", his plea shall become the "Finding" of the Court. In that case the Court shall read the Summary of Evidence/Abstract of Evidence and annex it to the proceedings. Before convicting the accused on his plea of "Guilty", the Court shall ascertain that he has understood the consequences of his plea and the difference in procedure that his plea would make. If from the statement of the accused, or from Summary of Evidence/Abstract of Evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty", then the Court shall alter the plea to that of "Not Guilty" and proceed with a regular trial. The Courts are reminded that the *Plea of "Guilty" shall not be accepted in cases where the accused is liable, if convicted, to be sentenced to death*; and where such plea is made, the trial shall proceed, as if the plea made was that of "Not Guilty".

19. **Procedure One Plea of "Not Guilty".** After recording the plea of "Not Guilty", the Prosecutor may give the opening address. It is to be followed by the prosecution evidence. At the close of prosecution evidence the accused shall be afforded the opportunity of making a statement, followed by the defence evidence. The evidence shall be recorded in accordance with the law of evidence and the Court shall not admit any inadmissible piece of evidence.

20. **Addresses.** Both the parties shall have the right to make the addresses. The party, which will examine the witness last, shall make the closing address first, e.g. if the defence has not produced any witness, then the prosecutor will give the closing address first, followed by the closing address by the defence counsel; but if the defence has produced the witnesses, the order of addresses will be reversed.

21. **Findings.** Findings shall be determined by an absolute majority of the votes by the members. The President has no casting vote on finding. It shall be recorded as "Guilty" or "Not Guilty", as the case may be. The Court may also record a special finding, if necessitated by the evidence on record.

22. **Proceedings on Conviction.** After the finding of "Guilty" the Court will record available evidence with regard to character of the accused. Oral evidence that the accused is of good character is admissible, but oral evidence about his bad character should not be accepted. If the circumstances render it impracticable for the Court to take down any evidence as to character, the President will record on a plain paper the reasons for such impracticability. When all the evidence about the aforesaid matter has been given, the accused may address the Court with regard to evidence led about his character and for mitigation of punishment :—

23. **Sentence.** A Special Military Court has power to pass any sentence authorized by law, or prescribed by Martial Law Regulations. The sentence should be commensurate with the gravity of offence and should serve as a strong deterrent to forestall any increase in the rate of crime. Following points should be kept in view while passing a sentence:—

- (a) *The sentence of death shall be passed with concurrence of all the members of the Court.* All other sentences shall be decided by a majority of votes. The President has no second or casting vote. The President of the Court which passes a death sentence will furnish a certificate which may be endorsed underneath the sentence stating that the sentence of death has been passed with the concurrence of all the members of the Court.
- (b) The Court, at their discretion or amputation of hand may direct that the sentence of whipping be carried out in public. Such a direction shall be made as a part of the sentence.
- (c) This sentence of amputation of hand have been introduced as a deterrent punishment to control the increasing number of thefts, robbery and dacoity. Since it is a severe punishment, it may only be awarded to habitual offenders and in case of offences of serious nature. In case of right handed person the sentence of amputation of left hand will be awarded and *vice versa*.

24. **Recommendation to Mercy.** If any, will be recorded on a plain paper in the form set out on page 491 MPML Vol-I. If the Court makes recommendation to mercy, they shall give their reasons for their recommendation and may also enter in the proceedings the number of opinions by which such recommendation was adopted. Care must be taken that recommendation to mercy is not inconsistent with the finding.

25. **Signing of Proceedings.** After sentence has been recorded, the President will date and sign the sentence and such signature shall authenticate the whole of the proceedings. It is important that the *date of the sentence* should be inserted, because imprisonment is reckoned to commence from the day on which the sentence and proceedings are signed by the President.

26. **Post-Trial Advice.** After signing the proceedings the President of the Court shall forward the same to Legal Branch of HQ-MLA Zone B for post-trial advice.

27. **Revision.** Revision of finding or sentence may be ordered by the confirming officer ; and on such revision, the Court, if so directed by him, may also take additional evidence. Revision can only be ordered once ; there cannot be a second revision.

28. **Confirmation.** No finding and sentence of Special Military Court will be valid unless these are confirmed by the Convening Authority. The Convening Authority may reserve the same for confirmation by an authority superior to him. The sentence of death and amputation of hand shall be referred to CMLA for confirmation.

29. **Promulgation.** The charge, finding, and sentence and any recommendation to mercy shall, together with the confirmation or non-confirmation of proceedings, be promulgated and extracts taken, *mutatis mutandis* on the lines of PAA Rule 58.

30. **Preservation of Proceedings.** On promulgation the proceedings of Special Military Court shall be forwarded to HQ MLA Zone B (Legal Branch) for preservation. On winding up of Martial Law these proceedings will be handed over to HQ 11 Corps Peshawar Cantt., where these will be preserved for a period of three years or as directed by CMLA.

11. **Mercy Petition.** May be considered on the merits of individual cases by MLA/CMLA, who may grant pardon, remission, etc. in accordance with PAA section 143.

32. **Reports and Returns.** Each court will forward or report to HQ MLA (Legal Branch) with information to respective DMLA HQs. on every Saturday showing the details of cases tried during the week ending last Thursday. The report will be compiled as per Annex "B" to this instr.

33. **Warrants/Forms.** Following Warrants/Forms are annexed to this instr.

- (a) *Annex A.* Form of proceedings of Special Military Court. (para 14 *ibid*)
- (b) *Annex B.* Form of weekly report to be submitted by the Court (para 32 *ibid*)
- (c) *Annex C.* Warrant of commitment for use when a prisoner is sentenced to imprisonment or whipping or both.
- (d) *Annex D.* Warrant when a person is sentenced to Amputation of hand.
- (e) *Annex E.* Warrant to be used when a person is awarded the sentence of fine.

**ANNEXURE A**  
**To MLI (Zone B) No. 3**  
**[6th August, 1977]**

**PART I**

**Form of Proceedings of Special Military Court**

1. The proceedings of Special Military Court No. \_\_\_\_\_  
Sector \_\_\_\_\_ held at \_\_\_\_\_ on the \_\_\_\_\_  
day of \_\_\_\_\_ 1977, by the Orders of Martial Law Adminis-  
trator, Zone B, dated the \_\_\_\_\_ day of \_\_\_\_\_ 1977.

President \_\_\_\_\_

Members (1) \_\_\_\_\_

(2) \_\_\_\_\_

2. Trial of \_\_\_\_\_

(Particulars of accused).

3. Name and particulars of the Prosecutor \_\_\_\_\_

4. Name and description of Defence Counsel \_\_\_\_\_

5. The President, in the presence of the accused, Prosecutor, Defence Counsel and all witnesses, reads the Convening Order.

6. The President, Members, Interpreter are duly sworn.

(The witnesses are now marched out of the Court).

### PART III

#### ARRAIGNMENT

7. The charge-sheet is signed by the President, marked \_\_\_\_\_ and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Question. Are you or not guilty of the first charge against you, which you have heard read?

Answer. \_\_\_\_\_

Question. Are you or not guilty of the second charge against you, which you have heard read?

Answer. \_\_\_\_\_

Question. Are you guilty or not guilty of the third charge against you, which you have heard read?

Answer. \_\_\_\_\_

### PART III

#### Proceedings on Plea of Guilty

8. The accused \_\_\_\_\_ s/o \_\_\_\_\_ is found guilty of the charge(s).

(Note : A "Plea of Guilty" will not be accepted in a case where accused on conviction is liable to be sentenced to death).

### PART IV

#### Proceedings on Plea of not Guilty

9. The Prosecutor makes an opening address, (or hands in a written address), which is read, marked \_\_\_\_\_, signed by the President, and attached to the proceedings.

10. The Prosecutor proceeds to call witnesses.

#### PROSECUTION

First witness \_\_\_\_\_ s/o \_\_\_\_\_

For

Prosecution age \_\_\_\_\_, profession \_\_\_\_\_ religion \_\_\_\_\_

caste\_\_\_\_\_resident of Village\_\_\_\_\_Tehsil\_\_\_\_\_  
 District\_\_\_\_\_, being duly sworn is examined by  
 the Prosecutor :

**Cross-examination by the Defence Counsel**

**Cross-examination by the Prosecutor**

**Questions by the Court**

**At the Suggestion of Parties (Prosecutor/Defence Counsel)**

PAA Rule 124 (2) (3) & (4) complied with.

**Second witness**

*For*

**Prosecution**

## PART V

### Defence

**11. Question to the Accused. Do you intend to call any witness in your defence ?**

**Answer** \_\_\_\_\_

**Question to the Accused. Is he a witness as to character only ?**

**Answer** \_\_\_\_\_

**Question to the Accused. Have you anything to say in your defence.**

**Answer** \_\_\_\_\_

The accused in his defence says (or hands in a written statement, which is read, marked\_\_\_\_\_signed by the President and attached to the Proceedings).

**First witness** \_\_\_\_\_

*For*

**Defence** \_\_\_\_\_

\_\_\_\_\_being duly sworn is examined by the Defence  
 Counsel :

**Cross-examination by the Prosecutor**

**Re-examination by the Defence Counsel**

**Questions by the Court**

**At the Suggestion of Parties (Prosecutor/Defence Counsel)**

PAA Rule 124 (2) & (4) complied with.

**Second Witness**

*For*

**Defence**

## PART VI

### ADDRESSES

(PAA Rules 47 & 48 refer)

**12. The Prosecutor hands in a written closing address which is read, marked\_\_\_\_\_, signed by the President and attached to the proceedings.**

13. The Defence Counsel hands in a written closing address which is read, marked \_\_\_\_\_, signed by the President and attached to the proceedings.

#### PART VII

##### Finding

14. The Court is closed for consideration of finding. The Court finds that the accused \_\_\_\_\_  
s/o \_\_\_\_\_

#### PART VIII

##### Proceedings on Conviction

##### 15. Evidence of Character

Question to the Accused. Do you wish to address the Court

Answer.

The Court is closed for consideration of sentence.

#### PART IX

##### Sentence

16. The Court sentence the accused \_\_\_\_\_  
Signed at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 1977  
Lt.-Col.

Special Military Court No. \_\_\_\_\_  
Sector \_\_\_\_\_

#### PART X

##### Confirmation

#### PART XI

##### Promulgation

Promulgated and extracts taken at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 1977

Signature of Officer-  
in-Charge of Documents

**MLA Zone B Instr. 2 (Legal)**

SPECIAL MILITARY COURT No. \_\_\_\_\_ SECTOR \_\_\_\_\_

[illegible]



## Annexure C

To MLI (Zone B) No. 3

[6th August 1977]

**Warrant of Commitment for use when a Prisoner is sentenced to Imprisonment or whipping or both.**

To,

The Superintendent

Jail \_\_\_\_\_

Whereas at a Special Military Court held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1977, Name \_\_\_\_\_

s/o \_\_\_\_\_ caste \_\_\_\_\_ age \_\_\_\_\_

Profession \_\_\_\_\_ resident of village \_\_\_\_\_

Thana \_\_\_\_\_ Tehsil \_\_\_\_\_ District \_\_\_\_\_

was duly convicted of offence(s) under Martial Law Regulation No./ Sec. \_\_\_\_\_ and whereas the said Special Military Court, on the \_\_\_\_\_ day of \_\_\_\_\_ 1977, passed the following sentence upon the said \_\_\_\_\_ that is to say;—

(a) \_\_\_\_\_

(b) \_\_\_\_\_

And whereas the said sentence order has been duly confirmed by MLA NWFP, Zone B as required by law.

This is to require and authorise you to receive the said \_\_\_\_\_ into your custody, together with this warrant and there carry the aforesaid sentence into execution according to law. The sentence of imprisonment has effect from \_\_\_\_\_ 1977.

Given under my hand at \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_ 1977

Lt.-Col.  
President

Special Military

Court No. \_\_\_\_\_

Sector No. \_\_\_\_\_

Stamp

## Annexure D

To MLI (Zone B) No. 3

[6th August, 1977]

**Warrant When a Prisoner is sentenced to Amputation of Hand**

To,

The Superintendent

Jail \_\_\_\_\_

Whereas at a Special Military Court held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1977, Name \_\_\_\_\_

s/o \_\_\_\_\_ caste \_\_\_\_\_ age \_\_\_\_\_  
 profession \_\_\_\_\_ resident of \_\_\_\_\_  
 Village \_\_\_\_\_ Thana \_\_\_\_\_ Tehsil \_\_\_\_\_  
 District \_\_\_\_\_ was duly convicted of offence(s) under Martial  
 Law Regulation No. \_\_\_\_\_ and whereas the said Special  
 Military Court, on the \_\_\_\_\_ day of \_\_\_\_\_ 1977,  
 passed the following sentence upon the said \_\_\_\_\_  
 that is to say :-

**"Amputation from the wrist of left/right hand"**

And whereas the said sentence of amputation has been confirmed by  
 CMLA as required by CMLO No. 4, para. 5 C.

This is to require and authorise you to receive the said \_\_\_\_\_  
 \_\_\_\_\_ into your custody, together with this warrant, and carry  
 the aforesaid sentence of amputation into execution according to CMLO  
 No. 5.

The said \_\_\_\_\_ shall be set from after  
 execution of sentence.

Given under my hand at \_\_\_\_\_ this the \_\_\_\_\_  
 day of \_\_\_\_\_ 1977

Lt.-Col.

President

Special Military Court No. \_\_\_\_\_

Stamp

Sector No. \_\_\_\_\_

Annexure E

To MLI (Zone B) No. 3

[6th August, 1977]

**Warrant for Levy of Fise**

To

The Collector

District \_\_\_\_\_

Whereas at a Summary/Special Military Court held at \_\_\_\_\_  
 \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1977,

Name \_\_\_\_\_ s/o \_\_\_\_\_ caste \_\_\_\_\_

Village \_\_\_\_\_ Thana \_\_\_\_\_ Tehsil \_\_\_\_\_

District \_\_\_\_\_ was duly convicted of offence(s)  
 under Martial Law Regulation No./Sec \_\_\_\_\_ and where-  
 as the said Summary/Special Military Court on the \_\_\_\_\_

day of \_\_\_\_\_ 1977, passed a sentence of fine amounting to Rs. \_\_\_\_\_, upon the said \_\_\_\_\_ and whereas the said sentence has been confirmed/need not to be confirmed and the amount of fine Rs. \_\_\_\_\_ as so confirmed is now realizable from the said convict.

This is to require and authorise you to recover the said amount of fine from the said convict under the provisions of Code of Criminal Procedure, 1898. Given under my hand at \_\_\_\_\_ this the \_\_\_\_\_ day of 1977.

Signature \_\_\_\_\_

Officer Holding the Summary/Special Military Court No. \_\_\_\_\_

Sector \_\_\_\_\_

Stamp

**MARTIAL LAW ORDERS**

*By*

**MARTIAL LAW ADMINISTRATOR ZONE 'C'**

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

## **MARTIAL LAW ORDERS**

*By*

### **Martial Law Administrator ZONE 'C'**

**No. 1**

**[21st July, 1977]**

Whereas the Chief Martial Law Administrator has delegated powers to me to make orders as I may think fit I, Lt-Gen. Jehan Zeb Arbab, H.J., S.J., therefore, do hereby direct that within the Province of Sind :—

(a) All arms licences issued on or after 1st January 1977, stand cancelled. All weapons borne on such licences shall be surrendered to the nearest Martial Law Authorities or to the Police Station immediately but not later than 25th July 1977.

(b) Carrying of arms or articles capable of being used as arms and ammunition, shall stand prohibited except for the purposes of surrender.

(c) All persons in possession, custody or control of any unlicensed weapons and ammunition shall forthwith surrender these to the nearest Martial Authorities or the nearest Police Station but not later than 25th July 1977.

(d) All persons holding valid licences for arms of prohibited bore shall also surrender their arms to the nearest Martial Law Authorities or the Police Station immediately but not later than 25th July 1977.

(e) No action will be taken for possessing these arms and ammunition if surrendered within the stipulated period.

(f) The following holders of licences are exempted from the operation of this order :—

- (1) All Serving and retired personnel of Armed Forces ;
- (2) All Government Officials ;
- (3) All members of the law enforcing agencies :

Provided that the provisions of this paragraph shall not apply to retired Government Officials who are or have been members of or connected in any manner whatsoever with a political party.

2. Violation of the above order will be severally dealt with according to the Martial Law.

**No. 2**

**[As AMENDED BY M. L. O. 19]**

**[21st July, 1977]**

Whereas the Chief Martial Law Administrator has delegated powers to me to make orders as I may think fit, I, Lt-Gen. Jehanzeb Arbab, HJ, SJ, therefore do hereby direct that within the Province of Sind :—

(a) Respective D. M. L. As. will fix prices of various essential commodities used for human consumption and the shopkeepers shall display at a prominent place the price lists of articles sold by them and shall not charge more than the price so fixed and listed.

(b) No person or firm shall indulge in adulteration of food or sell any adulterated article of food.

2. Contravention of the above order shall be punished under the Martial Law.

This order shall be deemed to have taken effect on and from the fifth day of July 1977.

### No. 3

[21st July 1977]

1. Whereas the Chief Martial Law Administrator has delegated powers to me to make orders, as I may think fit, I, Lt-Gen. Jehanzeb Arbab HJ, SJ, therefore, do hereby direct that within the Province of Sind :—

(a) All political activities including processions, agitations and holding of meetings stand banned till further orders.

(b) Lock-outs and strikes and other trade union activities of any nature shall stand prohibited.

(c) The hoisting of political parties flags on any place, building or vehicle, etc. is prohibited. All such flags, if any, shall be removed forthwith.

(d) Use of loudspeaker for purposes other than Azan and Juma Khutba is prohibited.

2. Any person violating the above orders shall be liable to be punished under the Martial Law.

### No. 4

[21st July 1977]

Whereas the Chief Martial Law Administrator has delegated powers to me to make orders, as I may think fit, I, Lt-Gen. Jehanzeb Arbab, HJ, SJ, therefore, do hereby direct that within the Province of Sind :—

(a) All persons if in possession of explosive substances other than the one legitimately authorised to firms for their legitimate use will immediately be surrendered to the nearest military unit or the nearest Police Station, but not later than 25th July 1977.

(b) With immediate effect, all District Magistrates shall prepare an inventory of substances which are explosive within the meaning of the Explosive Act, 1884, held by dealers in their respective areas. These inventories duly signed by the District Magistrate or his representative not less than the rank of a Sub-Divisional Magistrate and the dealer, will be endorsed to the respective Deputy/Sub-Martial Law Administrator's Headquarters.

(c) All sales of explosive substances will be regulated by District Magistrate in accordance with the Explosive Act, 1884.

2. Contravention of the above order shall be punished under the Martial Law.

### No. 5

[RECONSTITUTED BY M. L. O. 59]

[13th April 1978]

In exercise of the powers conferred on me by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Lieutenant-General Mohammad Iqbal Khan, Martial Law Administrator, Zone 'C' hereby recons-

stitute Martial Law Order No. 5, as follows, which shall be deemed to have always been so reconstituted :—

1. No person shall—

(i) offer or attempt to offer, accept or obtain or agree to accept or attempt to obtain from any person for himself or for any other person, any gratification other than legal remuneration or any valuable thing without consideration or for a consideration which he knows to be inadequate, as a motive or reward for doing or forbearing to show favour or disfavour to any person or for inducing by corrupt or illegal means or by exercise of personal influence any public servant to do or to forbear to do any official act ;

Or

(ii) dishonestly or fraudulently misappropriate or convert for his own use any property entrusted to him or under his control as a public servant ;

Or

(iii) by corrupt or illegal means or by otherwise abusing his position as public servant obtains for himself or for any other person any valuable thing or pecuniary advantage ;

Or

(iv) abet any offence mentioned above.

2. An offence under this order may be investigated in Enquiries and Anti-Corruption Establishment or any other Agency so empowered under any law for the time being in force or members of Armed Forces appointed in this behalf.

#### No. 6

[AS AMENDED BY M. L. O. 19]

[21st July 1977]

Whereas the Chief Martial Law Administrator has delegated to the Martial Law Administrator, Zone 'C' the power of making Martial Law Orders ;

Now, therefore I, Lt.-Gen. Jehanzeb Arbab, HJ., SJ., hereby make the following Order :—

All such cases where any person sells any article by weight or measure and causes to be delivered to the purchaser less than what is purported to be sold and the deficiency exceeds the reasonable limit of error, shall be investigated by the officers of the armed forces appointed in this behalf and be tried by Military Courts.

This order shall be deemed to have taken effect on and from the 5th day of July 1977.

#### No. 7

[As amended by M. L. O. No. 19]

[21st July 1977]

Whereas the Chief Martial Law Administrator has delegated to the Martial Law Administrator, Zone 'C' the powers of making Martial Law Orders ;

Now, therefore, I, Lt.-Gen. Jehanzeb Arbab, HJ., SJ., hereby make the following Order :—

The cases relating to black market and hoarding as defined in the Hoarding and Black Market Order, 1956 (P. O. 14 of 1956) shall be investigated by the Officers of the Armed Forces appointed in this behalf and be tried



by the Military Courts.

This order shall be deemed to have taken effect on and from the 5th day of July 1977.

**No. 8**

[21st July 1977]

In pursuance of the proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

All offences of cheating and forgery punishable under sections 417 to 420, 465 to 468 and 471 of the Pakistan Penal Code (Act XLV of 1860), pertaining to Recruiting Agencies shall be investigated by the Officer of the Armed Forces appointed in this behalf, and be tried by Military Courts.

**No. 9**

[AS AMEND BY M. L. O. 19]

[21st July 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

1. Contravention of the provision of any law relating to traffic offences for the time being in force shall be checked and dealt with on the spot by mobile team consisting of a Magistrate and such members of the Military Police and Traffic Police as are included in the team :

Provided that the traffic offences involving death shall be tried by a Military Court.

2. In addition to any punishment under paragraph 1, the route permits of the vehicle and driving licence of the driver of the vehicle shall be liable to cancellation.

This order shall be deemed to have taken effect on and from the fifth day of July 1977.

**No. 10**

[21st July 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

Whoever fails to pay any outstanding taxes or any other dues payable to Government or any local body or authority by 15th August 1977, shall be tried by Military Courts. This Order shall not be applicable to those cases where the matter is *sub judice* in any Court or under consideration before any competent authority, on the date of issue of this Order.

**No. 11**

[RECONSTITUTING MARTIAL LAW ORDER NO. 8

AND AMENDED BY M. L. O. No. 19]

[9th August 1977]

All offences of cheating and forgery punishable under sections 417 to 420,

465 to 468 and 471 of the Pakistan Penal Code (Act XLV of 1860) shall be tried by the Military Courts.

This order shall be deemed to have taken effect on and from the fifth day of July 1977.

### No. 12

[9th August 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Orders :—

I hereby convene the following Special Military Courts for trial of offences under Martial Law Regulations, or contravention of Martial Law Orders or offences under other laws for the time being in force as and when directed by me in the areas specified below or such other cases of persons as may be brought before it.

#### (a) Special Military Court No. 1

1. Area.—District East.
2. Location.—Headquarters of Sub-Martial Law Administrator, Sector 1.
3. Composition :

(a) President.—PA-5671 Lt.-Col. Sabir Beg.

(b) Members.—

(i) Mr. Hamid Saeed Khan, First Class Magistrate.

(ii) P-A-11561 Capt. Syed Khizar Hayat.

(c) Prosecutor.—Mr. Waliul Haq—PDSP.

#### (b) Special Military Court No. 2.

1. Area.—District West.
2. Location.—Headquarters of Sub-Martial Law Administrator, Sector 2.
3. Composition :

(a) President.—PSS-6510 Lt.-Col. Mohammad Yamin.

(b) Members.—

(i) PA-6969 Major Mohammad Anwar.

(ii) Mr. Mohammad Sarwar Khan, First Class Magistrate.

(c) Prosecutor.—Mr. Shahid Hussain—PDSP.

#### (c) Special Military Court No. 3

1. Area.—Headquarters of Deputy Martial Law Administrator, Sub-Zone 'B'.

3. Composition :

(a) President.—Commander, S. A. Khan, Pak Navy.

(b) Members.—S. Ali Shah, First Class Magistrate. Lieut. Ahmed Hayat Pak Navy.

(c) Prosecutor.—Mr. Imran Khan—PDSP.

#### (d) Special Military Court No. 4

1. Area.—Hyderabad Division.

2. Location.—Headquarters of Sub-Martial Law Administrator, Sector 3.

**3. Composition :**

- (a) President.—PA-6640 Lt.-Col. Maqbool Hussain.
- (b) Members—
  - (i) Syed Juman Shah, Addl. First Class Magistrate.
  - (ii) PSS-8371 Major Mohammad Afzal.
- (c) Prosecutor.—PTC-5945 Major Muhammad Afzal Khan.
- (e) Special Military Court No. 5.

1. Area.—Sukkur and Larkana Division.

2. Location.—Headquarters of Sub-Martial Law Administrator, Sector 4.

**3. Composition :**

- (a) President. PA-6828 Lt.-Col. Safdar Malik.
- (b) Members—
  - (i) Mr. Abdul Hafeez Somro, First Class Magistrate.
  - (ii) PSS-11736 Capt Arif Duraiz Akhtar.
- (c) Prosecutor.—Mr. Tariq Ahmed Pirzada.

**No. 13**

[9th August 1977]

I hereby empower the following officers of the Armed Forces to form Summary Military Courts and to sit for the trial of all persons who may be duly brought to them. They will sit at the specified places and may move from time to time as required. The Court will sit daily until further orders from the Martial Law Administrator, Zone 'C'.

(a) Summary Military Court No. 1 (District East).

Name.—PA-12450 Major Tariq Hameed.

Location.—KMC Sports Complex.

(b) Summary Military Court No. 2 (District South Except Sub-Zone 'B').

Name.—PA-6303 Major Muhammad Rafiq.

Location.—Agha Khan Jymkhana Club.

(c) Summary Military Court No. 3 (District West).

Name.—PSS-10739 Major Matiur Rehman Faridi.

Location.—Headquarters Sub-Martial Law Administrator, Sector No. 2.

(d) Summary Military Court No. 4 (Sub-Zone 'B').

Name.—Commander I. H. Naqvi Pak Navy.

Location.—Headquarters of Deputy Martial Law Administrator, Sub-Zone 'B'.

(e) Summary Military Court No. 5 (Hyderabad & Thatta Districts).

Name.—PA-10603 Major Parvaiz Amin Mufti.

Location.—Headquarters of Sub-Martial Law Administrator, Sector 3.

(f) Summary Military Court No. 6 (District Mirpurkhah, Badin and Sanghar).

Name.—PA-10374 Major Mohammad Hafeez Alvi.

Location.—DC Office, Mirpur Khas.

(g) Summary Military Court No. 7 (Dadu).

Name.—PA-1224 Major Tafazal Mehdi Rizvi.

Location.—Dadu D. C. Office.

(h) Summary Military Court No. 8 (Khairpur and Nawabshah)

Name.—PSS-8293 Major Zaffar Iqbal Salib.

Location.—District Council Hall, Nawabshah.

(i) Summary Military Court No. 9 (Larkana, Jacobabad & Shikarpur)

Name.—PSS-8846 Major Hashmat Ullah.

Location.—Baluch Regimental Centre, Sukkur.

#### No. 14

[9th August 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

1. No Foodgrain Licence-holder shall, except on the authority in writing of Government of the Director Food, at any time, possess wheat in excess of five hundred maunds for more than ten days from the date he came into possession thereof ; provided that nothing herein contained shall apply to :

(a) The Roller Flour Mills which are authorised to draw their quota from Provincial reserve or those which buy wheat from open market for grinding Maidas Nos. 1 and 2 ;

(b) The Mills which store wheat for feeding their labourers to the extent of actual requirements for the crop season.

2. No producer shall keep wheat in excess of one thousand maunds for seed purposes and personal consumption.

3. Every foodgrain licence-holder/producer shall declare the stocks of wheat in excess of the above quantity in their possession alongwith the details of the place where such stocks are stored to the Director of Food or any other person authorised by him in this behalf within seven days of the Martial Law Order.

#### No. 15

[RECONSTITUTING MARTIAL LAW ORDER NO. 12]

[9th August 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 4, issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Orders :—

I hereby convene the following Special Military Courts for trial of offences under Martial Law Regulations, or contravention of Martial Law offences under any other law for the time being in force as and when directed by me in the areas specified below or such other cases of persons as may be brought before it.

(a) Special Military Court No. 1.

1. Area.—District Karachi South and East.

2. Location.—Headquarters Sub-Martial Law Administrator, Sector  
No. 1.

3. Composition :

(a) President.—PA-5671 Lt.-Col. Mohammad Sabir Beg.

(b) Members—

(i) PA-11561 Capt. Syed Khazir Hayat.

(ii) Mr. Hamid Saeed Khan, First Class Magistrate.

(c) Prosecutor.—Mr. Waliul Haq—PDSP.

(b) Special Military Court No. 2.

1. Area —District Karachi West.

2. Location.—Headquarters Sub-Martial Law Administrator, Sector  
No. 2.

3. Composition :

(a) President.—PSS-6510 Lt.-Col. Mohammad Yamin.

(b) Members—

(i) PSS-10739 Major Matiur Rahman Faridi.

(ii) Mr. Ashfaque Pathan, First Class Magistrate.

(c) Prosecutor.—Mr. Shahid Hussain, PDSP.

(c) Special Military Court No. 3.

1. Area.—Hyderabad and Mirpur Khas Districts.

2. Location.—Headquarters Sub-Martial Law Administrator, Sector  
No. 4.

3. Composition :

(a) President.—PA-6640 Lt.-Col. Maqbool Hussain.

(b) Members.—

(i) PSS-8371 Maj. Mohammad Afzal.

(ii) Syed Juman Shah, Additional First Class Magistrate.

(c) Prosecutor.—PTC-5945 Maj. Mohammad Afzal Khan.

(d) Special Military Court No. 4.

1. Area.—District Dadu.

2. Location.—Headquarters Sub-Martial Law Administrator, Sector  
No. 5.

3. Composition :

(a) President.—PA-6172 Lt.-Col. Mohammad Usman.

(b) Members—

(i) PSS-9805 Maj. Azhar-ul-Aziz.

(ii) Mr. Ahmed Bux, Resident Magistrate.

(c) Prosecutor.—Mr. Ishaq Shah, PSI, Dadu.

(e) Special Military Court No. 5.

1. Area.—Nawabshah and Sanghar Districts.

2. Location.—Headquarters Sub-Martial Law Administrator, Sector  
No. 6.

## 3. Composition :

(a) President PA-6656 Lt.-Col. Saifullah.

(b) Members.

(i) PSS-8324 Maj. Itaf Akbar.

(ii) Mr. Khan Mohammad Seehar, City Magistrate.

(c) Prosecutor.—Chudhary Jamil Ahmed, Public Prosecutor.

(f) Special Military Court No. 6.

1. Area.—Sukkur and Larkana Divisions.

No. 7. 2. Location.—Headquarters Sub-Martial Law Administrator, Sector

## 3. Composition :

(a) President.—PA-6828 Lt.-Col. Safdar Malik.

(b) Members—

(i) PSS-11736 Capt. Asif Durriz Athar.

(ii) Mr. Abdul Hafeez Samro, First Class Magistrate.

(c) Prosecutor.—Mr. Khan Mohammad Sheikh, PDSP.

(g) Special Military Court No. 7.

1. Area.—Sub-Zone B.

2. Location.—Headquarters of Deputy Martial Law Administrator, Sub-Zone B.

## 3. Composition :

(a) President.—Commander S. A. Khan Pak Navy.

(b) Members.—

(i) S. Ali Shah, First Class Magistrate.

(ii) Lieut. Ahmed Hayat Pak Navy.

(c) Prosecutor.—Mr. Imran Khan, PDSP.

## No. 16

## [RECONSTITUTING MARTIAL LAW ORDER NO. 13]

[9th August 1977]

I hereby empower the following officers of the Armed Forces to form Summary Military Courts and to sit for the trial of all persons who may be duly brought to them. They will sit at the specified places and may move from time to time as required. The Court will sit daily until further orders from the Martial Law Administrator, Zone "C".

(a) Summary Military Court No. 1 (District Karachi East).

Name.—P A-12405 Maj. Tariq Hamid.

Location.—K. M. C. Sports Complex.

(b) Summary Military Court No. 2 (District Karachi South).

Name.—P A-6069 Maj. Mohammad Masood Khan.

Location.—Agha Khan Gymkhana.

(c) Summary Military Court No. 3 (Nazimabad Sub-Division).

Name.—PA-6303 Maj. Mohammad Rafiq Chaudhry.

Location.—Headquarters Sub-Martial Law Administrator, Sector No. 2

(d) Summary Military Court No. 4 (Liaquatabad Sub-Division).

Name.—P A-6969 Maj. Mohammad Anwar Khan Amir.

- Location.—Headquarters Sub-Martial Law Administrator, Sector No. 2.
- (e) Summary Military Court No. 5 (Hyderabad District).  
 Name.—PA-10603 Maj. Pervez Amin Mufti.  
 Location.—Headquarters Sub-Martial Law Administrator, Sector No. 4.
- (f) Summary Military Court No. 6 (Mirpur Khas District).  
 Name.—PSS-10394 Abdui Hafiz Alvi.  
 Location.—Headquarters Sub-Martial Law Administrator, Sector No. 4.
- (g) Summary Military Court No. 7 (Hyderabad District).  
 Name.—PA-12294 Major Tafazal Mehdi Rizvi.  
 Location.—Headquarters Sub-Martial Law Administrator, Sector No. 4.
- (h) Summary Military Court No. 8 (Dadu District).  
 Name.—PSS-6206 Major Chaudhary Mohammad Bashir Saleemi.  
 Location.—Headquarters Sub-Martial Law Administrator, Sector No. 5.
- (j) Summary Military Court No. 9 (Nawabshah District).  
 Name.—PSS-8293 Major Zafar Iqbal Salib.  
 Location.—Headquarters Sub-Martial Law Administrator, Sector No. 6.
- (k) Summary Military Court No. 10 (Sanghar District).  
 Name.—PSS-8139 Major Abdul Rashid Chughtai.  
 Location.—Headquarters Assistant Sub-Martial Law Administrator, Sanghar.
- (l) Summary Military Court No. 11 (Larkana, Shikarpur and Jacobabad Districts).  
 Name.—PSS-9263 Major Mohammad Itfaq.  
 Location.—Headquarters Assistant Sub-Martial Law Administrator, Larkana.
- (m) Summary Military Court No. 12 (Sukkur and Khairpur Districts).  
 Name.—P A-11974 Major Mazharul Islam.  
 Location.—Headquarters Sub-Martial Law Administrator, Sukkur.
- (n) Summary Military Court No. 13 (Sub-Zone B).  
 Name.—Commander I. H. Naqvi, Pak. Navy.  
 Location.—Headquarters Deputy Martial Law Administrator, Sub-Zone B.

## No. 17

[AMENDED BY M. L. O. 19]

[9th August 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone "C" is pleased to make the following Martial Law Order :—

All offences under the Emigration Act, 1922 and the Passports Act, 1974 shall be tried by Military Courts.

This Order shall be deemed to have taken effect on and from the fifth day of July 1977.

No. 18

[9th August 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone "C" is pleased to direct that :—

(a) No political leader shall undertake journey by train between the place of his departure in the Province of Sind and the place of his arrival in any part of Pakistan if such places of arrival and departure are connected by air ;

(b) All political activities shall remain confined to indoor premises.

No. 19

[21st August 1977]

In pursuance of the Proclamation of the fifth day of July 1977 and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

Martial Law Orders Nos 2, 5, 6, 7, 9, 11 and 17 shall be deemed to have taken effect on and from the fifth day of July 1977.

No. 20

[AMENDED BY M. L. O. 36]

[21st August 1977]

In pursuance of the proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

2. A dispute, as is referred to them by Martial Law Administrator, under the Sind Urban Rent Restriction Ordinance, 1959, and the Cantonments Rent Restriction Ordinance, 1965, between the tenant and landlord of a building situated in Karachi and Hyderabad in the following cases shall be decided by the Summary Military Courts especially empowered in this behalf :

(a) Where the landlord is a retired Government servant and requires the building for his own use or the use of his dependents.

(b) Where the landlord is a widow and requires the building for her own use ;

(c) Where a tenant has unauthorisedly occupied or sublet the building for any purpose other than residential ;

(d) Where the landlord uses any means to harass the tenant with a view to secure ejectment or enhancement of rent ;

(e) Where a person has unauthorisedly occupied or sublet a building owned by an autonomous or semi-autonomous body ;

(f) Where the agreement between the landlord and the tenant has already terminated.

3. (a) A petition in respect of the above cases shall be submitted by the person concerned to the Martial Law Administrator.

(b) Every such petition shall—

(1) state briefly the facts constituting cause of action and the date when it arises :



- (2) state the relief claimed and grounds therefor ;
- (3) state full name and address of the parties.
4. On receipt of the petition, the Martial Law Administrator or any person authorised by him in this behalf, shall scrutinize and if considered necessary, refer the same to the Military Court for disposal.
5. (a) The Military Court shall enquire into the case and for the purpose issue notices to the parties concerned for appearing before it on the date mentioned in such notices.
- (b) The Military Courts may examine such oral or documentary evidence in support of the petition or in defence of the opposite-party as may be considered necessary.
6. The Military Court shall on the conclusion of the proceedings give its findings.
7. The orders passed by a Military Court, shall be executed within such period as may be specified by it which shall in no case be less than fifteen days.
8. Any party aggrieved by the orders passed by the Military Court may submit revision petition before the Martial Law Administrator within seven days of the passing of such order.
9. This order will have no effect on the matters already pending in the Courts of Rent Controllers and the superior Courts.

#### No. 21

[21st August 1977]

Whereas the loans advanced by Co-operative Societies and Co-operative Banks were intended to boost up the agricultural production ;

And whereas big land owners granted such loans have not utilized the loans for the aforesaid purpose but have instead wasted the money on non-agricultural activities ;

And whereas some of the persons granted the loans have not secured them by providing adequate security ;

Now, therefore, in pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3, issued by the Chief Martial Law Administrator, and in partial modification of Martial Law Order No. 10, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :

Notwithstanding anything contained in any law, rule, order of any authority or Court other than the High Court and Supreme Court, agreement, award or instrument, all persons who have been advanced loans not less than five thousand rupees by Co-operative Societies or Co-operative Banks have not so far repaid the same shall pay the loans with simple interest as is ordinarily chargeable, not later than 15th September 1977, provided that any authority or officer appointed in this behalf may accept bank guarantee, Government bonds, share certificates or such other tangible security from any defaulter if he is unable to pay the loan in cash, provided further the aforesaid authority or officer may in genuine cases order the repayment of the loan in instalments not exceeding four, payable within the maximum period of 12 months subject to the condition that in the event of default of payment of any instalment, the whole amount of unpaid loan shall become immediately payable.

## No. 22

[21st August 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

1. Notwithstanding anything contained in any law, the activities of the Students' Union are hereby suspended to the extent that no General body meetings of the Students shall be held at any place :

Provided that academic and welfare problems of the Students may be negotiated with the University Administration by the Executive Committees of the Union.

2. No Student shall indulge in political activities within the Educational Institution.

3. No person shall visit any Educational Institution for political ends.

## No. 23

[RECONSTITUTING MARTIAL LAW ORDER NO. 16 AND RECONSTITUTED

BY M. L. O 42]

[21st August 1977]

In pursuance of the Proclamation of the fifth day of July 1979, and in exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator, the Martial Law Administrator Zone 'C' is pleased to make the following Martial Law Orders :—

I hereby empower the following officers of the Armed Forces to form Summary Military Courts and to sit for the trial of all persons who may be duly brought to them. They will sit at the specified places and may move from time to time as required. The Court will sit until further orders from the Martial Law Administrator, Zone 'C'.

(a) Summary Military Court No. 1 (District Karachi East).

Name.—PA-12450 Maj. Tariq Hamid.

Location.—KMC Sports Complex.

(b) Summary Military Court No. 2 (District Karachi South).

Name.—PA-6069 Maj. Muhammad Masood Khan.

Location.—Agba Khan Gymkhana.

(c) Summary Military Court No. 3 (Nizamabad Sub-Division).

Name.—PA-6303 Maj. Muhammad Rafiq Chaudhry.

Location.—Headquarters Sub-Martial Law Administrator, Sector No. 2.

(d) Summary Military Court No. 4 (Liaquatabad Sub-Division).

Name.—PA-6969 Maj. Muhammad Anwar Khan Amir.

Location.—Headquarter Sub-Martial Law Administrator, Sector No. 2.

(e) Summary Military Court No. 5 (Hyderabad).

Name.—PA-20603 Maj. Pervez Amin Mufti.

Location.—Headquarter Sub-Martial Law Administrator, Sector No. 4.

(f) Summary Military Court No. 6 (Mirpur Khas).

Name.—PSS-8993 Maj. Muhammad Riaz.

Location.—Headquarters Sub-Martial Law Administrator, Sector No. 4.

(g) Summary Military Court No. 7 (Dadu District).

Name.—PSS-6206 Maj. Chaudhry Muhammad Basbir Saleemi.

Location.—Headquarters Sub-Martial Law Administrator, Sector No. 5.

(h) Summary Military Court No. 8 (Sanghar District).

Name.—PSS-9622 Maj. Muhammad Akbar.

Location.—Headquarters Assistant Sub-Martial Law Administrator, Sanghar.

(j) Summary Military Court No. 9 (Larkana).

Name.—PA-10781 Maj. Imtiaz Azam Khan.

Location.—Headquarters Assistant Sub-Martial Administrator, Larkana.

(k) Summary Military Court No. 10 (Jacobabad).

Name.—PSS-8580 Maj. Gul Muhammad.

Location.—Headquarters Assistant Sub-Martial Martial Law Administrator, Jacobabad.

(l) Summary Military Court No. 11 (Sukkur).

Name.—PA-11974 Maj. Mazharul Islam.

Location.—Headquarters Sub-Martial Law Administrator, Sukkur.

(m) Summary Military Court No. 12 (Khairpur District).

Name.—PA-1101 Maj. Pervaiz Shakoor.

Location.—Headquarters Assistant Sub-Martial Law Administrator, Khairpur.

(n) Summary Military Court No. 13 (Badin).

Name.—PSS-10740 Maj. Sultan Majid Khan.

Location.—Headquarters Assistant Sub-Martial Law Administrator, Badin.

(o) Summary Military Court No. 14 (Thatta).

Name.—PSS-6096 Maj. Sulman Ahmed.

Location.—Headquarters Assistant Sub-Martial Law Administrator, Thatta.

(p) Summary Military Court No. 15 (Sub-Zone B).

Name.—Commander I. N. Naqvi, Pak. Navy.

Location.—Headquarters Deputy Martial Law Administrator, Sub-Zone B.

#### No. 24

(RECONSTITUTING MARTIAL LAW ORDER NO. 15  
AND RECONSTITUTED M. L. Os. 39 & 43)

[21st August 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by

the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :

2. I hereby convene the following Special Military Courts for trial of offences under Martial Law Regulations, or contravention of Martial Law Orders or Offences under any other law for the time being in force as and when under any other law for the time being in force as and when directed by me in the areas specified below or such other cases of persons as may be brought before it.

(a) Special Military Court No. 1.

1. Area.—District Karachi West.

No. 2. 2. Location.—Headquarters Sub-Martial Law Administrator, Sector

3. Composition :

(a) President.—PSS-6510 Lt-Col. Muhammad Yamin.

(b) Members.

(i) PSS-10739 Maj. Matiur Rehman Faridi.

(ii) Mr. Ashafaque Pathan, Ist Class Magistrate.

(c) Prosecutor.—Mr. Shahid Hussain, PDSP.

(d) Special Military Court No. 2.

1. Area.—Hyderabad and Mirpur Khas Districts.

No. 4. 2. Location.—Headquarters Sub-Martial Law Administrator, Sector

3. Composition :

(a) President.—PA-6640 Lt.-Col. Maqbool Hussain.

(b) Members.

(i) Syed Juman Shah, Additional First Class Magistrate.

(c) Prosecutor.—PIC-5945 Maj. Muhammad Afzal Khan.

(d) Special Military Court No. 3.

1. Area.—District Dadu.

No. 5. 2. Location.—Headquarters Sub-Martial Law Administrator, Sector

Composition :

(a) President.—PA-6172 Lt.-Col. Muhammad Usman.

(b) Members.

(i) PSS-9805 Maj. Azhar-ul-Aziz.

(ii) Mr. Ahmed Bux, Resident Magistrate, Dadu.

(c) Prosecutor.—Mr. Ishaq Shah, PSI, Dadu.

(d) Special Military Court No. 4.

1. Area.—Nawabshah and Sanghar District.

No. 6. 2. Location.—Headquarters Sub-Martial Law Administrator, Sector

3. Composition :

(a) President—PA-6656 Lt.-Col. Saifullah.

(b) Members.

(i) PSS-8324 Maj. Altaf Akbar.

- (ii) Mr. Khan Muhammad Seebar, City Magistrate.
  - (c) Prosecutor.—Choudhry Jamil Ahmed, Public Prosecutor.
  - (d) Special Military Court No. 6.
    - 1. Area.—Sukkur and Larkana Divisions.
    - 2. Location.—Headquarters Sub-Martial Law Administrator, Sector
- No. 7.
- 3. Composition :
    - (a) President.—PA-6828 Lt.-Col. Safdar Malik.
    - (b) Members.
      - (i) PSS-11736 Maj. Asif Durraz Akhtar.
      - (c) Prosecutor.—Mr. Khan Muhammad Sheikh, PDSP.
      - (f) Special Military Court No. 6.
        - 1. Area.—Thatta and Badin Districts.
        - 2. Location.—Headquarters Sub-Martial Law Administrator, Sector
- No. 3.
- 3. Composition :
    - (a) President.—PA-6456 Lt.-Col. Khawaja Moin-ud-Din Ahmed.
    - (b) Members.
      - (i) PSS-14591 Capt. Mahmood-ul-Hassan.
      - (ii) Mr. Khan Muhammad Mashori.
      - (c) Prosecutor.—Mr. Altaf Hussain.
      - (g) Special Military Court No. 7.
        - 1. Area.—Sub-Zone 'B'.
        - 2. Location.—Headquarters of Deputy Martial Law Administrator, Sub-Zone 'B'.
- 3. Composition :
    - (a) President.—Commander S. A. Khan, Pak Navy.
    - (b) Members.
      - (i) Muhammad Sarwar Khan, First Class Magistrate.
      - (ii) Lieut. Ahmad Hayat, Pak Navy.
      - (c) Prosecutor.—Mr. Abdul Ghafoor, PDSP.

## No. 25

[AMENDED BY M. L. O. No. 36]

[21st August 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

2. The following Officers of the Armed Forces are hereby constituted Summary Military Courts having jurisdiction mentioned against them for deciding disputes between the Landlords and Tenants under Martial Law Order No. 20 :—

- (a) Lt.-Col. Mehr Zaman,
  - (b) Commander G. R. Dar, Pak Navy }
- } Local limits of Karachi Metropolitan Corporation, and Karachi Cantonment

They shall hold Courts in Headquarters Martial Law Administrator, Zone 'C', Assembly Building, Karachi.

(c) PA7-117 Maj. Iqbal Ahmed Jan.

He shall hold the Court at Headquarters Sub-Martial Law Administrator, Sector No. 3.

Local limits of Hyderabad Municipal Corporation and Hyderabad Cantonment.

3. The petitions in respect of Hyderabad shall be submitted to Sub-Martial Law Administrator who shall scrutinize the same and if considered necessary refer it to Military Court mentioned at paragraph 2 (c), for disposal.

#### No. 26

[28th September 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

With immediate effect, all records including Account Books of People's Foundation Trust will be taken over by the Martial Law Authorities for the purposes of investigating into alleged irregularities committed in the affairs of the said trust and deciding about the future entity of the Trust. All immovable and movable property of the aforesaid Trust will also remain under control of the Martial Law Authorities and no record and assets will be removed from the building of the said Trust without prior permission of the Martial Law Authorities till report in this behalf is finalized.

The assets and accounts of the Trust wherever they may be in Zone 'C' area are hereby frozen till further orders.

#### No. 27

[28th September 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator Zone 'C' is pleased to make the following Martial Law Order :—

With immediate effect, all records including Account Books of Zulfiqar Ali Bhatti's Trust will be taken over by the Martial Law Authorities for the purposes of investigating into alleged irregularities committed in the affairs of the said Trust and deciding about the future entity of the Trust. All immovable and movable property of the aforesaid Trust will also remain under control of the Martial Law Authorities and no records and assets will be removed from the buildings of the said Trust without prior permission of the Martial Law Authorities till report in this behalf is finalized.

The assets and accounts of the Trust wherever they may be in Zone 'C' area are hereby frozen till further orders.

#### No. 28

[28th September 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator Zone 'C' is pleased to make the following Martial Law Order :—

1. No person other than IATA or GSA or any agency registered with

them or authorized recruiting agents shall use sign boards of Travel Agents or Recruiting Agents, as the case may be, on their place of business.

2. The sign boards of the Recruiting Agents shall prominently display the number of their licence.

#### No. 29

[AMENDED BY M. L. O. No. 36]

[28th September 1977]

1. In pursuance of Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by Chief Martial Law Administrator, the Martial Law Administrator Zone 'C' is pleased to make following Martial Law Order :—

2. The following Officers of the Armed Forces are hereby constituted Summary Military Courts having jurisdiction mentioned against them for deciding disputes between the Landlords and Tenants under Martial Law Order No. 20 :—

- |                                |                         |
|--------------------------------|-------------------------|
| (a) Summary Military Court (D) |                         |
| Group Captain M. Sohail        | Local limits of Karachi |
| Malik TBt.                     | Metropolitan            |
| (b) Summary Military Court (E) |                         |
| Major Khurshid Alam Naz,       | Corporation and Karachi |
| FSC.                           | Cantonment              |

They shall hold Courts Headquarters, Martial Law Administrator Zone 'C' Assembly Building, Karachi.

#### No. 30

[13th October 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator Zone 'C' is pleased to make the following Martial Law Order :—

Whereas the Martial Law Administrator, Zone 'C' is of the opinion that it is necessary to appoint Commissions of Inquiry for the purpose of making inquiry into matters of the public importance ;

Now, therefore, in exercise of the powers conferred by Martial Law Order No. 19 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to appoint the following Commissions of inquiry :—

(i) for making inquiry into the acts of corruption, nepotism, favouritism, malpractices and any other offence committed by Ex-MPAs, Ex-MNAs, Ex-Senators and others whose cases are referred to them ; and

(ii) for scrutinizing declaration forms of assets submitted under Martial Law Regulation 21 and referred to them.

#### Commission No. 1

- |  |               |
|--|---------------|
| Brigadier M. Sadiq Qureshi                     | ... President |
| Lieutenant-Colonel Abdul Ghaffar Khan          | ... Member    |
| Mr. Mehdi Ali Siddiqui, Retired Sessions Judge | ... Member    |

#### Commission No. 2

- |  |               |
|--|---------------|
| Brigadier Alam Jan Khan Mahsud               | ... President |
| Lieutenant-Colonel Omar Farooq               | ... Member    |
| Mr. Syed Muazzam Ali, Retired Sessions Judge | ... Member    |

*Commission No. 3*

Brigadier Mohammad Afzal Khan	... President
Lieutenant-Colonel Abdullah Khan	... Member
Mr. Dhani Bux Dayo, Sessions Judge	... Member

*Commission No. 4*

Brigadier Zahid Ali Akbar Khan	... President
Lieutenant-Colonel Pervaiz Sarwar	... Member
Mr. Ishtiaq Hussain, Sessions Judge	... Member

*Commission No. 5*

Brigadier Mohammad Zulfiqar Akhtar Naz	... President
Lieutenant-Colonel Mohammad Safdar	... Member
Mr. Abdul Rehman Shah, Sessions Judge	... Member

The Commissions shall have powers under the provisions of sub-paragraphs (2), (3), (4) and (5) of para. 3 and sub-paragraph (1) of para. 13 of the said order.

The Commissions shall complete the inquiries and submit their reports to the Martial Law Administrator, Zone 'C' within the specified period, as and when directed.

**No. 31**

[13th October 1977]

1. In pursuance of Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make following Martial Law Orders :—

2. The following Officers of the Armed Forces are hereby constituted Summary Military Courts having jurisdiction mentioned against them for deciding disputes between the Landlords and Tenants under Martial Law Order No. 20 :—

(a) <i>Summary Military Court (f)</i> Lieutenant-Colonel Mohammad Sohrab.	} Local limits of Karachi Metropolitan Corporation.
(b) <i>Summary Military Court (g)</i> Major Shab Nawaz.	
(c) <i>Summary Military Court (h)</i> Major Muhammad Ashraf.	

They shall hold Courts in Headquarters Martial Law Administrator, Zone 'C', Assembly Building, Karachi.

**No. 32**

[RECONSTITUTING ORDER NO. 30 AND RECONSTITUTED BY M. L. O. 45]

[13th October 1977]

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 3, issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

Whereas the Martial Law Administrator, Zone 'C' is of the opinion that it is necessary to appoint Commissions of Inquiry for the purpose of making inquiry into matters of the public importance ;

Now, therefore, in exercise of the powers conferred by Martial Law



Order No. 19 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to appoint the following Commissions of Inquiry :—

(i) for making inquiry into the acts of corruption, nepotism, favouritism, malpractices and any other offence committed by Ex-MPAs, Ex-MNAs, Ex-Senators and others whose cases are referred to them ; and

(ii) for scrutinizing declaration forms of assets submitted under Martial Law Regulation 21 and referred to them.

**Commission No. 1**

Brigadier M. Sadiq Qureshi	... President
Lieutenant-Colonel Abdul Ghaffar Khan	... Co-opted Member
Mr. Mehdi Ali Siddiqui, Retired Sessions Judge	... Member

**Commission No. 2**

Brigadier Alam Jan Khan Mabsud	... President
Lieutenant-Colonel Omar Farooq	... Co-opted Member
Mr. Ahsanul Haq Qureshi, Retired Sessions Judge	... Member

**Commission No. 3**

Brigadier Muhammad Afzal	... President
Lieutenant-Colonel Shafaat	... Co-opted Member
Mr. Dhani Bux Dayo, Sessions Judge	... Member

**Commission No. 4**

Brigadier Zahid Ali Akbar Khan	... President
Lieutenant-Colonel Pervaiz Sarwar	... Co-opted Member
Mr. Ishtiaq Hussain, Sessions Judge	... Member

**Commission No. 5**

Brigadier Muhammad Zulfiqar Akhtar Naz	... President
Lieutenant-Colonel Iftikhar Ahmed Kiyani	... Co-opted Member
Mr. Abdul Rehman Shah, Sessions Judge	... Member

The Commissions shall have powers under the provisions of sub-paragraphs (2), (3), (4) and (5) of para. 3 and sub-paragraph (1) of para. 13 of the said order.

The Commissions shall complete the inquiries and submit their reports to the Martial Law Administrator, Zone 'C' within the specified period, as and when directed.

No. 33

[REPEALED BY M. L. O. No. 61]

[13th October 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :

2. Any allotment of state land made between first day of January 1972 and 4th day of July 1977, which is not covered by any regular scheme issued

for the purpose under section 10 of the Colonization of Government Lands Act, 1912, or which has been obtained by using Official position or political influence or by means of fraud or misrepresentation of facts in violation or relaxation of law, rule, condition, policy instructions or orders, may notwithstanding anything contained to the contrary in any law for the time being in force, or any order or decree of a Court, Tribunal or authority, be cancelled by the Board of Revenue or any Officer authorised by it in this behalf :

Provided that any order of cancellation shall be passed without giving the allottee a reasonable opportunity of being heard.

*Explanation.*—The term 'allotment' includes any grant, lease, exchange, sale, restoration of resumed lease or any other transaction so declared by the Board of Revenue.

3. On cancellation of allotment, the Collector of the District shall resume the land forthwith.

4. No compensation or claim for improvement other than compensation in respect of any standing crops shall be payable by Government to the outgoing allottee.

5. Where the allottee is aggrieved by the decision of the Board of Revenue or the Authorised Officer such allottee may submit a petition to the Martial Law Administrator, Zone 'C' for review within seven days of such decision.

6. The Board of Revenue may issue such instructions as it deems necessary for carrying out the purposes of this Martial Law Order and such instructions shall be deemed to form part of this order and shall have effect accordingly.

#### No. 34

[13th October 1977]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :

All allotments of the plots which were reserved for roads, hospitals, schools, colleges libraries, playgrounds, gardens, parks, community centres, mosques, graveyards or for such other amenity/community purposes but were subsequently unauthorizedly or by political manoeuvres converted into residential or commercial plots and on which no construction has been made are hereby cancelled and the plots so cancelled shall be resumed by the authority in which the plots initially vested and the amounts, if any, paid by the allottees shall be refunded under the normal rules.

#### No. 35

[13th October 1977]

Special Military Court No. 7, Sub Zone 'B' convened under Martial Law Order 24 is reconstituted as under :

*President* : Commander Sohail Ahmed Khan.

*Members*

(a) Lieutenant Muhammad Aslam.

(b) Mr. Khawaja Shafiq Ahmed, First Class Magistrate.

*Prosecutor* : Mr. Abdul Ghafoor Khan, P. D. S. P.

*Interpreter :* Commander Sohail Ahmed Khan.

**No. 36**

*[13th October 1977]*

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator Zone 'C' is pleased to make the following Martial Law Order :—

Martial Law Orders Nos. 20, 25 and 29 shall be amended as under and shall be deemed to have been so amended on and from their respective dates :—

1. In Martial Law Order No. 20, for the words, comma and figures "Sind Urban Rent Restriction Ordinance, 1959", the words, commas and figures "Sind Urban Rent Restriction Ordinance, 1959 and the Cantonments Rent Restriction Act, 1965" shall be substituted.

2. In Martial Law Order No. 25—

(a) for the words "Local limits of Karachi Metropolitan Corporation", the words "Local limits of Karachi Metropolitan Corporation and Karachi Cantonment" shall be substituted ;

(b) for the words "Local limits of Hyderabad Municipal Corporation", the words "Local Limits of Hyderabad Municipal Corporation and Hyderabad Cantonment" shall be substituted.

3. In Martial Law Order No. 29, for the words "Local Limits of Karachi Metropolitan Corporation", the words "Local Limits of Karachi Metropolitan Corporation and Karachi Cantonment" shall be substituted.

**No. 37**

*[13th October 1977]*

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Order No 3 issued by the Chief Martial Administrator, the Martial Law Administrator Zone 'C' is pleased to make the following Martial Law Order :—

2. If in the opinion of the Deputy Commissioner it is necessary or expedient for ensuring the security, the public safety or interest, or for securing the maintenance of public order or for maintaining supplies and services essential to the life of the community, he may by order in writing requisition any motor vehicle and make such further orders as appear to it to be necessary or expedient in connection with the requisitioning.

3. Where the Deputy Commissioner has requisitioned any motor vehicle the same may be maintained and used in such manner as may appear to him to be expedient.

4. For every requisitioned motor vehicle the owner of such vehicle shall be paid such compensation as may be fixed by the Deputy Commissioner.

**No. 38**

*[RECONSTITUTED BY M. L. O. 42]*

*[13th October 1977]*

In pursuance of Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by the

Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Orders :—

I hereby dissolve Summary Military Courts Nos. 1, 2, 3 and 15 constituted under Martial Law Order 23.

I hereby empower the following officers of the Armed Force to form Summary Military Courts and to sit for the trial of all persons who may be duly brought to them. They will sit at the specified places and may move from time to time as required. The Courts will sit daily until further orders from the Martial Law Administrator Zone 'C'.

(a) Summary Military Court No. 1 (District Karachi East).

Name : PA—7657 Major Mehar Muhammad Khan.

(b) Summary Military Court No. 2 (District Karachi South Sub-Zone 'B').

Name : Lt.-Cdr. Baqar Ali Khan, PN.

(c) Summary Military Court No. 3 (Nazimabad Sub-Division).

Name : PSS—8420 Major M. Zulfiqar Arshad.

(d) Summary Military Court No. 15 (District Karachi South Sub-Zone 'B').

Name : Lt.-Cdr. Asghar Ali, PN.

(e) Summary Military Court No. 16 (District Karachi East).

Name : PA—7949 Major Muhammad Siddique.

(f) Summary Military Court No. 17 (District Karachi East).

Name : PA—8955 Major Ghulam Khwaja.

(g) Summary Military Court No. 18 (District Karachi East).

Name : PSS—11354 Major Kaizad Maneck Spariwala.

No. 39

[13th October 1977]

Special Military Court Number 1 for District Karachi West convened under Martial Law Order No. 24 is reconstituted as under :—

President : PSS—6510 Lt.-Col. Muhammad Yamin.

Member : PSS—10739 Major Matiur Rehman Faridi.

Prosecutor : Mr. Ashafaq Pathan, First Class Magistrate.

Interpreter : PSS—6510 Lt.-Col. Muhammad Yamin.

The Court will sit daily for the trial of persons as may be brought before it.

No. 40

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Order No. 4 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

2. Special Military Court No. 1 for District Karachi West convened under Martial Law Order No. 24 and reconstituted under Martial Law Order No. 39 is further reconstituted as under :—

(a) President PSS—65 10 Lt.-Col. Muhammad Yamin.

(b) Members :

(i) PSS—10739 Maj. Matiur Rehman Faridi.

- (ii) Mr. Ashfaq Pathan, 1st Class Magistrate.  
 (c) *Prosecutor* : Mr. Shahid Hussain, PDSP.  
 (d) *Intepreter* : PSS—65 10 Lt.-Col. Muhammad Yamin.

## No. 41

[RECONSTITUTED BY M. L. O. No. 45]

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977 and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

2. In exercise of the powers conferred by Martial Law Order No. 19 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to, [(i) reconstitute the Commission of Enquiry No. 3 constituted under Martial Law Order No. 32 and (ii) appoint new Commissions Nos. 6 and 7 as under :—] 41, as under :—

## COMMISSION No. 3—

Brigadier Muhammad Afzal	...	...	President
Lieutenant-Colonel Shafaat	...	...	Co-opted Member.
Syed Ali Madad Shah	...	...	Member.

## COMMISSION No. 6—

Brigadier Saeed Ahmed Khan, S. J.	...	...	President.
Lieutenant-Colonel Uzair Muhammad	...	...	Co-opted Member.
Mirza Arshad Baig, Sessions Judge	...	...	Member.

## COMMISSION No. 7—

Brigadier S. Zair Hussain	...	...	President.
Mr. Dhani Bux Dayo, Sessions Judge	...	...	Member.

3. Last two paras. of Martial Law Order No. 32 shall be applicable to the said Commissions].

## No. 42

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C', is pleased to make the following Martial Law Order :—

2. The Summary Military Courts constituted under M.L.Os. 23 and 38 are hereby reconstituted with jurisdiction mentioned against each for trial of offences under Martial Law Regulations, or offences under any other law for the time being in force or for contravention of Martial Law Orders :—

## KARACHI DISTRICT

- (a) Summary Military Court No. 1 (District Karachi East).

Name PA—7657 Major Mehar Muhammad Khan.

- (b) Summary Military Court No. 2 (District Karachi South) Sub-Zone 'B'.

Name Lt.-Cdr. Baqar Ali Khan PN.

- (c) Summary Military Court No. 3 (Nazimabad Sub-Division West).

Name PSS—8420 Major M. Zulfikar Arshad.

- (d) Summary Military Court No. 4 (Liaquatabad Sub-Division West).  
Name PA—12477 Major Gul Rehman.
- (e) Summary Military Court No. 5 (District Karachi South) Sub-Zone 'B'  
Name Lt.-Cdr. Asghar Ali, P.N.
- (f) Summary Military Court No. 6 (District Karachi East).  
Name PA—7949 Major Muhammad Siddique.
- (g) Summary Military Court No. 7 (District Karachi East).  
Name PA—8955 Major Ghulam Khaja.
- (h) Summary Military Court No. 8 (District Karachi East).  
Name PSS—11254 Major Kaizad Maneck Spariwala.

HYDERABAD DISTRICT

- (a) Summary Military Court No. 1 (Tando Muhammad Khan, District Hyderabad).  
Name PA—9797 Major Javeed Majeed.
- (b) Summary Military Court No. 2 (Chor-Umer Kot, District, Hyderabad).  
Name PSS—8024 Major Imtiaz-ul-Haq.
- (c) Summary Military Court No. 3 (Tando Allah Yar, Hala, Matli, District Hyderabad).  
Name PA—11518 Major Majeed Ahmed.
- (d) Summary Military Court No. 4 (District Hyderabad).  
Name PA—6426 Major Syed Ahmed.
- (e) Summary Military Court No. 5 (District Hyderabad).  
Name PA—6559 Major Syed Iqbal Ahmed.

MIRPURKHAS DISTRICT

- (a) Summary Military Court No. 1 (Mirpurkhas District).  
Name PSS—8993 Major Muhammad Riaz.

THATTA DISTRICT

- (a) Summary Military Court No. 1 (Thatta District).  
Name PSS—6096 Major Salman Ahmed.
- (b) Summary Military Court No. 2 (Thatta District).  
Name PA—6995 Major Iftikhar Hussain Shah.

BADIN DISTRICT

- (a) Summary Military Court No. 1 (District Badin).  
Name PA—7038 Major Waris Ahmed Khan.
- (b) Summary Military Court No. 2 (District Badin).  
Name PSS—9813 Major Muzaffar Ali.

DADU DISTRICT

- (a) Summary Military Court No. 1 (Dadu District).  
Name PSS—6206 Major Ch. Muhammad Bashir Saleemi.
- (b) Summary Military Court No. 2 (Taluka Johi of Dadu District).  
Name PA—6226 Major Ghulam Ahmed Kabir.

- (c) Summary Military Court No. 3 (Taluka Mehr of Dadu District).  
Name PA—6458 Major Inayat Sher Khan.
- (d) Summary Military Court No. 4 (Taluka Sehwan of Dadu District).  
Name PA—7297 Major Hafeez Ahmed Ayaz.

## NAWAB SHAH DISTRICT

- (a) Summary Military Court No. 1 (Nawab Shah District).  
Name PSS—8293 Major Zafar Iqbal Salib.

## SANGHAR DISTRICT

- (a) Summary Military Court No. 1 (Sanghar District).  
Name PSS—9625 Major Hafeez Ullah.

## SUKKUR DISTRICT

- (a) Summary Military Court No. 1 (Sukkur District).  
Name PA—7359 Major Akhlaque Ahmed.
- (b) Summary Military Court No. 2 (Ghotki of Sukkur District).  
Name PSS—10408 Major Muhammad Rafique.

## KHAIRPUR DISTRICT

- (a) Summary Military Court No. 1 (Khairpur District).  
Name PA—6065 Major Muhammad Masood Khan.

## LARKANA DISTRICT

- (a) Summary Military Court No. 1 (Larkana District).  
Name PSS—8580 Major Gul Muhammad.
- (b) Summary Military Court No. 2 (Larkana District).  
Name PSS—9253 Major Muhammad Itfaq.
- (c) Summary Military Court No. 3 (Larkana District).  
Name PA—10736 Major Imtiaz Azam Khan.
- (d) Summary Military Court No. 4 (Larkana District).  
Name PSS—11736 Major Asif Durani Akhtar.
- (e) Summary Military Court No. 5 (Dokri, District Larkana).  
Name P A—7117 Major Iqbal Ahmed Jan.

## SHIKARPUR DISTRICT

- (a) Summary Military Court No. 1 (Shikarpur District).  
Name PA—11974 Major Muhammad Mazhar-ul-Islam.

## JACOBABAD DISTRICT

- (a) Summary Military Court No. 1 (Jacobabad District).  
Name PA—11001 Major Pervez Shakoor.

## No. 43

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

2. The following changes are made in the composition/areas of the

Special Military Courts constituted under M. L. O. 24 (Reconstituted M. L. O. 15) :—

3. The Special Military Court No. 2 is reconstituted as under :—

**SPECIAL MILITARY COURT NO. 2**

(a) Area—Hyderabad District.

(b) Location—Headquarters Sub-Martial Law Administrator, Sector No. 4.

(c) Composition :

(i) President : P A—6640 Lieutenant-Colonel Maqbool Hussain.

(ii) Members :

(1) PSS—9622 Major Muhammad Akbar.

(2) Syed Juman Shah Additional First Class Magistrate.

(iii) Prosecutor : Syed Muhammad Masih—PSI.

4. In Special Military Court No. 3, PA—10996 Major Rab Nawaz is appointed as Member in place of PSS—9805 Major Azhar-ul-Aziz.

5. The Special Military Court No. 4 is reconstituted as under :—

**SPECIAL MILITARY COURT NO. 4.**

(a) Area—Nawab Shah District.

(b) Location—Headquarters Sub-Martial Law Administrator, Sector No. 6.

(c) Composition :

(i) President : P A—6656 Lieutenant-Colonel Saifullah.

(ii) Members :

(1) PSS—8324 Capt. Akbar Altaf.

(2) Mr. Qamar Din Bhatti, City Magistrate.

(iii) Prosecutor—Chaudhary Jamil Ahmed, Public Prosecutor.

6. The Special Military Court No. 5 shall exercise its powers in Thatta District only.

**No. 44**

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

2. In partial modification of M. L. O. No. 24 the Special Military Court No. 7 shall have jurisdiction in District Karachi South and District Karachi East.

**No. 45**

[RECONSTITUTING MARTIAL LAW ORDERS NOS. 32 AND 41]

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

2. In exercise of the powers conferred by Martial Law Order No. 19



issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to reconstitute the Commissions of Enquiry constituted under Martial Law Orders Nos. 32 and 41, as under :—

## COMMISSION No. 1

Brigadier M. Sadiq Qureshi	...	... President.
Mr. Muhammad Owais, Former Sessions Judge	...	... Member.

## COMMISSION No. 2

Brigadier Alam Jan Khan Mahsud	...	... President.
Mr. Wajahat Hussain Siddiqui, Former Sessions Judge	...	... Member.

## COMMISSION No. 3

Brigadier Muhammad Afzal	...	... President.
Syed Ali Madad Shah, Sessions Judge	...	... Member.

## COMMISSION No. 4

Brigadier Zahid Ali Akbar Khan	...	... President.
Mr. Ishtiaq Hussain, Sessions Judge	...	... Member.

## COMMISSION No. 5

Bridadier Muhammad Zulfiqar Akhtar Naz	...	... President.
Mr. Abdul Rehman Shah, Sessions Judge	...	... Member.

## COMMISSION No. 6

Brigadier Saeed Ahmed Khan, S. J.	...	... President.
Mirza Arshad Baig, Sessions Judge	...	... Member.

## COMMISSION No. 7

Brigadier S. Zair Husain	...	... President.
Mr. Dhani Bux Dayo, Sessions Judge	...	... Member.

3. The Commissions shall have powers under the provisions of sub-paragraphs (2), (3), (4) and (5) of para. 3 and sub-paragraph (1) of para. 13 of the said order.

4. The Commissions shall complete the inquiries and submit their reports to the Martial Law Administrator, Zone 'C' within the specified period, as and when directed.

## No. 46

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the changes in the composition/area of the Special Military Courts constituted under Martial Law Orders Nos. 24 and 43 and constitute/reconstitute Special Military Courts as under :

2. In Special Military Court No. 3 PA-6415 Lt.-Col. Sarfraz Ahmed Bokhari and PA-8008 Major Anis Ahmed Bajwa are appointed as President and Member in place of PA-6172 Lt.-Col. Muhammad Usman and PA-109206 Major Rab Nawaz, respectively.

3. Special Military Courts Nos. 4 and 5 are reconstituted as under :—

## SPECIAL MILITARY COURT No. 4

- (a) Area ... Nawab Shah District.
- (b) Location ... Headquarters Assistant Sub-Martial Law Administrator, Sector No. 6.
- (c) Composition :
  - (i) President ... PA-4087 Lt.-Col. Abdullah Khan.
  - (ii) Members ... 1. PA-13890 Capt. Adil Farooq.  
2. Qamaruddin Bhatti, City Magistrate.
  - (iii) Prosecutor ... PSI Hadi Baksh Soomro.

## SPECIAL MILITARY COURT No. 5

- (a) Area ... Sukkur and Larkana Divisions.
- (b) Location ... Headquarters Sub-Martial Law Administrator, Sector No. 7.
- (c) Composition.
  - (i) President ... PA-6735 Lt.-Col. Mumtaz Gul, 19FF.
  - (ii) Members ... (1) PA-1101 Maj. Pervaiz Shakoor, 19FF.  
(2) Mr. Tufail Ahmed Memon, Civil Judge, Jacobabad.
  - (iii) Prosecutor ... Mr. Ahmed Bux Memon, Prosecuting Inspector, Jacobabad.

4. The following new Special Military Court No. 8 is hereby constituted :—

## SPECIAL MILITARY COURT No. 8

- (a) Area ... Districts Karachi South and Karachi East.
- (b) Composition:
  - (i) President ... Cdr. W. Khan PN, P. No. 794.
  - (ii) Members ... 1. Lt. Farooq Rashid, PN, P. No. 1234.  
2. Nazar Muhammad, Pathan, First Class Magistrate.

5. The following new Special Military Court No. 9 for District Sanghar is hereby constituted :—

- (a) Area ... Sanghar District.
- (b) Location ... Headquarters Assistant Sub-Martial Law Administrator, Sanghar.
- (c) Composition.
  - (i) President ... A-5332 L.-Col. Khadim Hussain.
  - (ii) Members ... 1. A-13412 Capt. Muhammad Hamid Khan.  
2. Mr. Muhammad Ali Shaikh, SDM, Sanghar.
  - (iii) Prosecutor ... PSI Abed Hussain.

## No. 47

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased :—

(a) to dissolve the Summary Military Courts 'D', 'E', 'F', 'G' and 'H' constituted under Martial Law Orders Nos. 29 and 31 ; and

(b) to make the changes in the composition/area of the Summary Military Courts constituted under Martial Law Order No. 42 and constitute/reconstitute such Courts as under :

2. Summary Military Court No. 3 of Karachi District is reconstituted as under :—

Summary Military Court No. 3 (Nazimabad and Liaquatabad Sub-Division West).

Name PA—6969 Major Muhammad Anwar Khan Amir.

3. Summary Military Court No. 4 of (Karachi District) is hereby dissolved.

4. Summary Military Courts Nos. 4 and 5 of Hyderabad District are reconstituted as under :—

(a) Summary Military Court 4 (District Hyderabad).

Name PA—12060 Major Ehtasham-ul-Haq.

(b) Summary Military Court No. 5 (Districts Hyderabad and Mirpurkhas).

Name PA—9948 Major Mir Afzal Khan.

5. The following new Summary Military Courts are hereby constituted :—

(a) Summary Military Court No. 6 (District Hyderabad).

Name PA—10603 Major Pervaiz Amin Mufti.

(b) Summary Military Court No. 7 (District Hyderabad).

Name PA—6057 Lt.-Col. Muhammad Zahoor.

(c) Summary Military Court No. 8 (District Hyderabad).

Name PA—6304 Lt.-Col. Muhammad Sadiq.

(d) Summary Military Court No. 9 (District Hyderabad).

Name PA—6528 Lt.-Col. Javed Malik.

(e) Summary Military Court No. 2 (Choor/District Mirpurkhas).

Name PA—7056 Lt.-Col. Abdul Rehman.

6. Summary Military Court No. 1 Nawabshah District is hereby dissolved.

7. Summary Military Court No. 1 of Sanghar and Sukkur Districts are reconstituted as under :—

(a) Summary Military Court No. 1 (District Sanghar).

Name PA—10133 Major Khan Tariq.

(b) Summary Military Court No. 1 (District Sukkur).

Name PSS—8684 Major Maqbool Alam.

No. 48

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 2 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

2. In Martial Law Order No. 2, in para. (a), between the words "DMLAs" and "will" the words "or any other Officer authorised by MLA in this behalf", shall be substituted and shall always be deemed to have been so substituted on and from 11th July 1977.

No. 49

[5th March 1978]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to appoint P. A. 6945 Lt.-Col. Abdul Majid Tareen as President of Special Military Court No. 1 in place of P. A. 6150 Lt.-Col. Muhammad Yamin.

No. 50

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased :—

- (a) to dissolve the Summary Military Courts "A", "B" and "C" constituted under Martial Law Order No. 25 ; and
- (b) to reconstitute with effect from 19th December, 1977, Summary Military Court No. 8 constituted under Martial Law Order No. 42, as under :—

Summary Military Court No. 8 (District Karachi East).

Name PSS—10729 Major Ghulam Sarwar.

No. 51

[5th March 1978]

1. In pursuance of the Proclamation of the fifth day of July 1977 and in exercise of the powers conferred by Martial Law Orders Nos. 3 and 4 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased —

- (a) to direct that Special Military Court No. 8 constituted under Martial Law Order No. 46 shall have jurisdiction in District Karachi South only ; and
- (b) to convene the following Special Military Court for trial of offences under MLR, or contravention of MLOs, or offences under any other law as and when directed by me or such cases as may be brought before it.

SPECIAL MILITARY COURT NO. 10

(a) Area District Karachi East,

(b) Composition :

(i) President PA—5067 Lt.-Col. Abbas Ali Khan.

## (ii) Members

1. Mr. Abdul Hefeez Qazi, First Class Magistrate.

1. PA—11561 Maj. Khaizar Hayat.

## (iii) Prosecutor

Mr. Irfan Trimzi, Prosecuting Deputy Superintendent of Police.

No. 52

[REPEALED BY M.L.O. 53]

[5th March 1978]

1. In exercise of the powers conferred by clause (c) of Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' hereby appoints—

(a) Rear-Admiral Muhammad Ishaq Arshad (P. No. 308) as Deputy Martial Law Administrator, Sub-Zone 'B' with effect from 11th January 1978, vice Rear-Admiral Rafat M. Sheikh proceeded on leave ;

(b) Captain Mirza Naeem Be-P. N. (P. No. 532) as Sub-Martial Law Administrator, Karachi Sector South. Vice-Commander Muhammad Anwar Qureshi, P. N. (P. No. 629) transferred.

No. 53

[5th March 1978]

In pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, the Martial Law Administrator, Zone 'C' is pleased to make the following Martial Law Order :—

1. With immediate effect, the Province of Sind has been divided into three sectors and Deputy Martial Law Administrators are appointed for the purpose of administering Martial Law as shown below :—

(a) *Sector No. 1* Civil Division of Karachi—Deputy Martial Law Administrator—Major-General Jahan Dad Khan.

(b) *Sector No. 2* Civil Division of Hyderabad—Deputy Martial Law Administrator—Brig. Muhammad Afzal Khan.

(c) *Sector No. 3* Civil Division of Sukkur—Deputy Martial Law Administrator—Major-General Abdullah Malik.

2. Deputy Martial Law Administrators may appoint Sub-Martial Law Administrators at District level.

3. Martial Law Order No. 52 is hereby repealed.

No. 54

[5th March 1978]

Whereas the offences of kidnapping of, and rape on, minors are on the increase ;

And whereas it is expedient in the interest of law and order to check such offences by providing deterrent punishment therefor.

Now, therefore, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone 'C', in pursuance of the Proclamation of the fifth day of July 1977, and in exercise of the powers conferred by Martial Law

Order No. 3 issued by Chief Martial Law Administrator, hereby make the following Martial Law Order :—

Whoever commits abduction, or kidnaps a minor or commits rape on a minor in terms of Pakistan Penal Code shall also be triable by Military Courts and the maximum punishment shall be death or imprisonment for life. The Martial Law Order will be applicable throughout the Province of Sind.

No. 55

[AD HOC APPOINTMENTS REGULARISATION ORDER]

[2nd May 1978]

Whereas a number of *ad hoc* appointments in violation or incorrect relaxation of rules over past years have been made in various Government Departments and Offices, Local Councils and other Autonomous and Semi-Autonomous Bodies established by Government of Sind ;

And whereas it is expedient for the efficient functioning of administration to examine all such *ad hoc* appointments as in existence on this date in the Province with a view to retain only those appointees who are found suitable for service in Government and other autonomous and semi-autonomous bodies ;

Now, therefore, in pursuance of Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, S. Bt., Martial Law Administrator, Zone 'C' hereby promulgate the following Martial Law Order :—

1. This Martial Law Order shall be called "*Ad hoc* Appointments Regularisation Order" and come into force at once and shall have effect notwithstanding anything contained in any other law for the time being in force.

2. In this Martial Law Order, unless there is anything repugnant in the subject or context—

(a) "*ad hoc* appointment" means and includes—

(i) appointment which has not been made in accordance with the prescribed method of appointment/service rule ;

(ii) appointment, where no prescribed method is laid down which has been made in the case of initial recruitment without advertising the post, and in the case of promotion or transfer without obtaining clearance from a Selection or Promotion Board or Committee ;

(iii) appointment which has been made under the orders of the Chief Minister or any other authority by excluding the post from the purview of the Sind Public Service Commission ;

(b) "Appropriate Committee or Board" means Selection or Promotion Committee or Board set up or required to be set up under the rules and, if no such rules exist as may be set up by the Local Councils or autonomous or semi-autonomous bodies, as the case may be, for the purpose of this order."

3. The cases of *ad hoc* appointments in which the appointees possess such qualifications and experience as have been prescribed or hereafter be

prescribed if not already prescribed by rules, shall be referred by the appointing authorities as follows :—

**PART I—AD HOC APPOINTMENT IN GOVERNMENT DEPARTMENTS AND OFFICES**

<i>Ad hoc</i> Appointments	Authority to whom cases are to be referred
(i) <i>ad hoc</i> appointments made by initial recruitment to grades 16 and above ;	Sind Public Service Commission.
(ii) <i>ad hoc</i> appointments made by promotion or transfer to grades 16 and above.	Appropriate Board Committee.
(iii) <i>ad hoc</i> appointments made within a Division by initial recruitment to grades 3 to 15, other than those made in the Sind Secretariat ;	A Committee in respective Division comprising— <ol style="list-style-type: none"> <li>(1) The Commissioner, Chairman.</li> <li>(2) Deputy Inspector-General of Police Member.</li> <li>(3) A nominee of Martial Law Administrator not below the rank of Lieutenant-Colonel Member.</li> <li>(4) Head of attached Department or Regional Head concerned. Member.</li> </ol>
(iv) <i>ad hoc</i> appointments made by promotion or transfer to grades 3 to 15 other than the appointments made in Sind Secretariat ;	Appropriate Committee as per service rules.
(v) <i>ad hoc</i> appointments made by initial recruitment, transfer or promotion in the Sind Secretariat.	Appropriate Committee as per service rules.
<b>PART II—AD HOC APPOINTMENTS IN LOCAL COUNCILS AND AUTONOMOUS AND SEMI-AUTONOMOUS BODIES</b>	
(i) <i>Ad hoc</i> appointments made by initial recruitment to grades 19 and above ;	Sind Public Service Commission.
(ii) <i>ad hoc</i> appointments made by initial recruitment to grades 3 to 18, and those made by promotion or transfer to grades 3 and above.	Appropriate Board or Committee as per service rules.

4. The cases of *ad hoc* appointments of persons who do not possess the qualifications and experience prescribed by rules and, in case no such rules exist, the qualifications and experience which may be prescribed by the competent authority, shall be referred to such Select Committee or Committees as may be constituted by the Martial Law Administrator.

5. While referring the cases under para. 3 or para. 4, the following material shall be furnished immediately by the Department/Councils/Bodies concerned to the Sind Public Service Commission, the appropriate Board or Committee :—

1. Name, designation and grade of the appointee.

2. Date and mode of appointment of the appointee.

3. Character roll of the appointee.

6. (1) The Sind Public Service Commission or appropriate Board or Committee or Select Committee as the case may be shall make the assessment of the *ad hoc* appointee by interview or by going through his service record, as it deems necessary, and shall record its findings on the following points :

(i) whether the *ad hoc* appointee is fit to be retained in the post held by him, in case of initial recruitment ;

(ii) if not, whether he should be offered a lower or a different post subject to availability, keeping in view his qualifications and suitability;

(iii) whether the promotion or transfer of *ad hoc* appointee was accelerated or out of turn without a positive justifiable reason ;

(iv) if the promotion or transfer was not accelerated or out of turn without a positive justifiable reason, whether *ad hoc* appointee is fit to be retained in the post held by him.

(2) The findings under sub-para. (1) shall be forwarded to the appointing authority concerned.

7. On receipt of the findings under para. 6, the appointing authority shall take action as under :—

(i) if the *ad hoc* appointee is not considered suitable for the post held by him or even for a lower or different post, his services shall be terminated on payment of salary for fifteen days ;

(ii) if the *ad hoc* appointee is considered suitable for a lower or a different post and if he consents to his appointment in such post, and in case such post is available, he shall be appointed thereto and, in case of non-availability of the post, his service shall be terminated and his name shall be kept on the waiting list and, if he declines to accept such appointment, his services shall be terminated provided that in the case of termination of the services of *ad hoc* appointee he shall be paid salary for fifteen days ;

(iii) if the promotion or transfer of the *ad hoc* appointee is considered to be accelerated or out of turn without a positive justifiable reason, or he is not considered suitable to be retained in the post held by him, he shall be reverted to the service or post from which he was promoted or transferred ;

(iv) if the *ad hoc* appointee is cleared by the Sind Public Service Commission, appropriate Board or Committee or the Select Committee, it shall be regularized by appropriate order ;

(v) notwithstanding anything contained in this para. if the *ad hoc* appointee is considered suitable by the Select Committee (para. 4) for holding the same post or equivalent post, order of his regularization in the same post



or, as the case may be, his appointment in the equivalent post shall not be made before obtaining the approval of the Martial Law Administrator thereto.

8. The Sind Public Service Commission, appropriate Board or Committee or, Select Committee as the case may be, shall complete the scrutiny of *ad hoc* appointments referred to them within a period of ninety days from the date of issue of this order unless the period is extended with the approval of the Martial Law Administrator.

9. For the purpose of this order the prescribed age limit which is relaxable under the existing service rules shall not stand in the way of appointment to any post or regularization of any such appointment, however, the prescribed qualifications given in the service rules shall neither be relaxed nor condoned.

#### No. 56

[2nd May 1978]

In pursuance of Martial Law Order No. 4 issued by the Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator Zone 'C' hereby convene the following Special Military Court :—

#### Special Military Court No. 11—

- |                  |     |   |
|------------------|-----|---|
| (a) Jurisdiction | ... | Civil Division Karachi (Sector No. 1)   |
| (b) President    | ... | PA-6415 Lieutenant-Colonel Sarfaraz Ahmed Bokhari.                            |
| (c) Members      | ... | 1. PA 8181 Major Umair Ahmad.<br>2. Mr. Obeidullah Lakho, Magistrate Class I. |

#### No. 57

[FOODSTUFFS DISTRIBUTION ORDER, 1978]

[2nd May 1978]

Whereas it is expedient in the efficient functioning of administration and welfare of people, to review the indiscriminate allotment of Ration Depots over past number of years in some cases to even non-deserving persons, and further to make such provisions and procedures for granting such authorizations only to deserving persons in future, to avoid repetition of malpractices.

Now, therefore, in pursuance of para. (d) of Martial Law Order No. 3 issued by Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone 'C', hereby make and promulgate the following Martial Law Order :—

1. (a) This order may be called the Foodstuffs Distribution Order, 1978.

(b) It shall come into force at once.

2. The words and expressions used in this Order shall have the same meaning as assigned to them in the West Pakistan Foodstuffs Distribution Order, 1967 (hereinafter referred to as the said Order).

3. *Eligibility.*—Notwithstanding anything contained in the said Order, the following persons shall not be eligible for grant of authorization, namely :—

(a) Persons below 18 years ;

(b) Persons convicted of an offence involving moral turpitude during the

period of 10 years immediately preceding the making of application for grant of authorization ;

(c) Persons having a bad character on police record or connected with undesirable elements for which sufficient proof is available ;

(d) Persons who sublet or sub-lease the authorization ;

(e) Persons already holding authorization in their own names or in the names of any of their dependents or having any interest in any form or manner in any authorization in the same District ;

(f) Persons who could not register one thousand units in urban areas of Karachi Regions, and seven hundred units in urban areas of Hyderabad and Sukkur Regions, within the stipulated period ;

(g) Persons who have any of their relative working in the Food Department ;

(h) Persons who have been allotted depots as a result of political favour.

4. *Review of Existing Depots.*—All authorizations issued during the period between 1st day of January 1972, and 5th day of July 1977, in favour of persons mentioned in para. 3 shall be immediately reviewed by Allotment Authority and if covered under the said para. shall be cancelled and such other authorization cancelled based on the above para-meters before coming into force of this Order by a District Magistrate, District Food Controller or Rationing Controller shall be deemed to have been validly cancelled.

5. *Allotment of new Depots.*—Whenever there is a requirement for grant of any new authorization in future, the District Magistrate shall invite applications through Press or in such other manner as he, in the local circumstances, deems fit and the application shall be made in the prescribed form and shall be accompanied by Treasury Receipt showing that non-refundable fee of Rs. 5 has been deposited in the Government Treasury.

(b) The applications received under sub-para. (a) shall be scrutinized by the District Allotment Board and the applications made by persons mentioned in para. 3 shall be rejected.

(c) Any persons aggrieved by the decision taken under sub-para. (b) may, within fifteen days of the decision, prefer an appeal to the Commissioner whose orders shall be final.

(d) After the District Allotment Board has approved the applicants, or where it has disapproved the name of any applicant, after the Commissioner has given decision, if appeal has been filed against the order of District Allotment Board, or after the period of appeal has expired, if no such appeal has been filed ; the selection of applicant for grant of authorization shall be made by a draw of ballot from amongst the applications finally approved under the supervision of the District Allotment Board.

6. Provided that in case of authorization for rural area, preference shall be given to a Co-operative Society, if any, which in the opinion of District Allotment Board has been functioning in the area satisfactorily.

7. Where a person holding an authorization has died, preference shall, for the grant of such authorization, be given to the widow or any of the children of the deceased authorization holder, unless the District Allotment Board, for reasons to be recorded in writing otherwise decides.

8. *Rules of Conduct and Management of Depot.*—West Pakistan Food-stuff Distribution Order, 1967 on conduct and management shall continue to apply and be enforced by the Food Department/Allotment Boards.

9. This Order shall not be construed to have been issued in derogation of the provisions of the said Order except to the extent of the provisions which are inconsistent with the provisions of this Order.

No. 58

[ALLOTMENT OF PLOTS IN SIND]

[2nd May, 1978]

1. Whereas it is expedient, to rationalise the allotment of residential and other plots in the Province of Sind to ensure correct and equitable allotment to all deserving persons to remove discretionary powers in allotment of plots.

2. Therefore, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator Sind Zone 'C' in pursuance of powers conferred upon me *vide* C. M. L. O. 3 para. 1 (d) of 5th July 1977 has decided to regulate the allotment procedure in the Province. This order shall be called "Allotment of Plots Order" and shall come into force at once and shall be applicable to all Government sponsored schemes.

3. *Size of Resident plots.*—All plots shall be of 400/600 and 1,000 sq. yards and no plot shall be of more than 1,000 sq. yards in any of the housing Schemes in the Province.

4. *Allotment Percentage.*—(a) Plots measuring 600 sq. yards and above :—

- (1) 60% by public auction.
- (2) 15% to Government Servants including employees of autonomous and semi-autonomous bodies.
- (3) 10% for Professionals including men of letters, sportsmen, journalists, artists, poets, authors, etc.
- (4) 5% plots for the Pakistanis living abroad.
- (5) 3% for Lawyers.
- (6) 1% for Judges of superior Courts.
- (7) 5% for Defence Service Personnel.
- (b) Plots measuring 400 sq. yards and less :—
- (1) 75% general public earning Rs. 1,000 or less per month by ballot.
- (2) 15% to Government Servants of Grade 16 and below including employees of autonomous and semi-autonomous bodies.
- (3) 5% to Defence Service Personnel equivalent of Grade 16 and below.
- (4) 5% to Industrial Labour, by ballot.
- (5) Plots upto 80 sq. yards will be reserved for shifters from unauthorised clusters.

5. The Flat Sites will be disposed by public auction among the registered Construction Companies only.

6. *Eligibility.*—Following will be eligible for allotment of residential plots :—

- (a) Government employees having minimum 15 years of service.
- (b) Retired Government Servants who did not get any plot during service.
- (c) Widow/Dependent of deceased Government Servant who had died before retirement and does not own a plot.

- (d) General public earning Rs. 1,000 or less per month.
- (e) Men of letters, etc. para. 4 (a), should have 15 years standing.
- (f) Sportsmen should be of national standard.
- (g) Pakistanis living abroad.

7. *Ineligibility*.—Following will not be eligible for allotment of plots :—

(a) Those who own a house or a plot in his/her name in any of Government sponsored housing schemes in Sind.

(b) Has been allotted plot earlier to either wife, husband or dependent child but sold out.

(c) Owns a house in the name of wife/husband or dependent, in any of the Government Housing Scheme.

(d) Has been convicted of corruption charges or inquiry of corruption is pending.

(e) Dismissed Government Servants on any charge.

(f) Convicted for anti-State, anti-social activities and heinous crimes.

8. *Authorization Government Servants*.—Government Servants will be allowed following size of plots :—

(a) Grades 1 to 7 ... 120 sq. yards.

(b) Grades 8 to 16 ... 240 sq. yards.

(c) Grades 17 to 18 ... 400/600 sq. yards.

(d) Grades 19 and above ... 600/1,000 sq. yards.

9. Maximum of one plot will be allotted to all allottees. In case wife or dependent children have a plot of land (para. 7), the husband/father will not be eligible for allotment of plot and *vice versa*.

10. For the purpose of allotment to the Government Servants, Housing, Town Planning, Local Government and Rural Development will maintain a waiting list for all grades of Government Servants. Allotment will be based on "Mark System" which will cater for length of service, efficiency, service in field and disciplinary cases, etc.

11. *Marking System*.—The marks to decide merit of the Government Servants will be as under (allotment will be strictly in order of merit)—

(a) Length of service one mark for every completed year of service.

(b) One extra mark for each year spent in the field service. Over nine months beyond one year of field service will be counted as full year.

(c) One mark for outstanding annual confidential report.

(d) One mark for any commendation/honour/award.

(e) One mark for any post-graduate qualifications.

(f) One mark for each dependent to a maximum of three.

(g) Five marks for disability during service (loss of limb or eye-sight, etc.).

(h) Five additional marks for widow/dependent of deceased Government Official, if the official had more than 15 years service. If less than 15 years service, he/she will be awarded only 15 marks. However widow/dependent may be allotted a plot irrespective of the marks obtained if she/he does not possess any residence anywhere else in the Province as a compassionate case.

(k) Two marks for other compassionate/hardship cases.

12. *Penalties.*—Marks will be deducted for the following :—

(a) One minus mark for adverse remarks in annual confidential report pertaining to integrity and reputation.

(b) One minus mark for any written warning/censure received from superiors.

(c) Five minus marks if involved in any corruption case short of dismissal.

13. *Allotment Committee (DHC/DA).*—The Chief Secretary will appoint District Housing Committees. The composition of these will be published in the newspapers. The DHCs, shall meet, as required, keeping in view the load of work but they should meet at least once in two months.

14. *Defence Service Quota.*—This will be placed at the disposal of Ministry of Defence who would frame rules of allotment as per existing Army rules or on the lines given above and make necessary allotments. DHC/DA will inform the Ministry of Defence the quantity and block number of plots placed at their disposal.

15. *Disposal of Plots other than Residential.*—The plots other than residential shall continue (in accordance with the existing rules/regulation) to be disposed of in the following manner :—

(a) Commercial plots by DHC/DA concerned through public auction.

(b) Industrial plots through allotment by DHC/DA concerned in accordance with the rules prescribed in this behalf by the Government.

(c) Public Utility sites such as sites for colleges, hospitals, dispensaries, maternity homes, clinics, police stations, police posts, etc. shall be leased out by the DHC/DA concerned to the Government Departments Local Bodies for a period of 99 years on payment of approved Government rates in each scheme for public utility plots and also to well-organised philanthropic institutions. The offers from them will be invited through Press and selection would be done after proper scrutiny and on merit. The sites for Post Offices, T & T Offices and other such offices which are commercial in nature, shall be sold to the respective departments on payment of actual cost of land and development charges on no profit no loss basis.

(d) Sites of mosques or any other place of worship shall be allotted by the DHC/DA concerned to suitable religious organisations/registered residents' associations against payment of reserved price on no profit no loss basis. While making allotments, the DHC/DA may consult the District Administration as well as the representative of Auqaf Department.

(e) No public utility plot shall be transferable or converted for residential/commercial or industrial use at all.

#### PROCEDURE FOR SUBMISSION OF APPLICATIONS AND FORMS

16. *Issue of Allotment of Order.*—As and when any allotment is made and the individuals are issued allotment orders, these details will be published in the Press by the DHA/DA concerned.

17. *Rules of payments/other formalities Sale Deeds etc.*—These will be as per existing rules. However, applicants will attach an affidavit signed by a Magistrate on the eligibility with application form. Affidavit attested by Oath Commissioner will also be admissible.

18. *Application Forms.*—These will be provided by the agency controlling the scheme. Terms and conditions will be printed on all forms.

19. Separate instructions shall be framed by the Provincial Government laying down various rules of business and conduct.

20. Any allotting agency violating these orders will render itself to penal action under the rules of Business/Conduct.

**No. 59**

**[13th April, 1978]**

In exercise of the powers conferred on me by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Lieutenant-General Mohammad Iqbal Khan, Martial Law Administrator, Zone 'C' hereby reconstitute Martial Law Order No. 5, as follows, which shall be deemed to have always been so reconstituted :—

1. No person shall—

(i) offer or attempt to offer, accept or obtain or agree to accept or attempt to obtain from any person for himself or for any other person, any gratification other than legal remuneration or any valuable thing without consideration or for a consideration which he knows to be inadequate, as a motive or reward for doing or forbearing to show favour or disfavour to any person or for inducing by corrupt or illegal means or by exercise of personal influence any public servant to do or to forbear to do any official act ;

*Or*

(ii) dishonestly or fraudulently misappropriate or convert for his own use any property entrusted to him or under his control as a public servant ;

*Or*

(iii) by corrupt or illegal means or by otherwise abusing his position as public servant obtains for himself or for any other person any valuable thing or pecuniary advantage ;

*Or*

(iv) abet any offence mentioned above.

2. An offence under this order may be investigated by Enquiries and Anti-Corruption Establishment or any other Agency so empowered under any law for the time being in force or members of Armed Forces appointed in this behalf.

**No. 60**

**[LAND LEASE ORDER]**

**[2nd May, 1978]**

Whereas it is expedient to review leases in respect of land, granted during the period between the 1st January 1972, and the 5th July, 1977, and to stop malpractices in grant of such leases ;

Now, therefore, in pursuance of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Lieutenant-General, Mohammad Iqbal Khan, Martial Law Administrator Zone 'C', hereby make and promulgate the following Order :

1. (1) This order shall be called the Land Lease Order.

(2) This order shall take effect notwithstanding anything contained in any law, rule or agreement for the time being in force.

(2) It shall come into force at once.

2. This Order shall govern all lands belonging to Local Bodies/Munici-

palties, District and Divisional Councils, Corporations, Highway Department and autonomous/semi-autonomous Bodies of Provincial Government.

3. In this order, unless the context otherwise requires :—

(a) "land" means and includes agricultural land, residential building site, open space used as marketing area or mandi, and building used for commercial or non-commercial purposes ;

(b) "competent authority" means the authority empowered under the relevant law or rules to grant lease ;

(c) "Government" means the Local Government Department and any other Government Department concerned.

#### PART I—SCRUTINY OF EXISTING LEASES

4. The competent authority shall review leases in respect of the land granted during the period between the 1st January 1972, and the 4th July 1977, and if the said authority is satisfied that any such lease has been granted in violation of the relevant law or rules as a political favour, it shall cancel the same and the land shall be resumed, without any payment of compensation, by the Government or as the case may be, local council to which it belongs.

5. Any person aggrieved by the order made under para. 4 may, within 15 days of the order, prefer appeal to the Commissioner if the order is made by the competent authority other than the Government order, make a review petition to Government if the order is made by the Government and the order of the Commissioner or, the Government as the case may be, shall be final. Appeal so made shall be decided in 30 days.

6. The process of scrutiny of leases under this part shall be completed not later than 30th June, 1978, and concerned Secretary to Government of Sind shall ensure the completion of the process on Schedule by obtaining periodical progress reports from all concerned.

#### PART II—PROCEDURE FOR FUTURE LEASES

7. All leases of land shall be granted by open public auction ; provided that the competent authority may grant the lease of amenity (Charitable institutions) plot in accordance with the relevant law or rules.

8. The date, time and place of the auction and all other details of the land or rights arising therefrom which are desired to be auctioned shall be advertised in the Press not less than 15 days before the date of the auction.

9. No lease shall be granted for a period exceeding one year except the lease for agricultural land or residential building site, and buildings for commercial purposes which may be granted, at a time, for a maximum period of three years, ninety-nine years and twenty-five years respectively.

10. Auctions of leases in respect of land belonging to local councils shall be subject to confirmation by the controlling authorities thereof.

[ See also M. L. O. 69 ]

#### No. 61

[ALLOTMENT OF STATE/EVACUEE LAND AND LAND HOLDINGS  
HELD IN EXCESS OF LAND REFORMS]

[2nd May 1978]

Whereas it is expedient in the public interest to determine irregular allotments of State/Evacuee land and land holdings held in excess of the ceiling fixed by the Land Reforms ;

Now, therefore in pursuance of powers conferred by M. L. O. 3 issued by the Chief Martial Law Administrator, I. Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone 'C' hereby make and promulgate the following order :—

1.—(1) This Order shall be called the Land Regularisation Order and shall take effect notwithstanding any law or rules for the time being in force.

(2) It shall come into force at once.

*Explanation.*—For the purpose of this order 'land' means agricultural land.

2. All persons shall, not later than 30th April 1978, declare in writing to the Board of Revenue, Sind :

(a) such allotments of State/evacuee land as have been made to them in contravention of the existing policy of the Government or law or rules, for the time being in force.

(b) such land holding held by them in excess of the ceiling fixed by the Land Reforms either in their own name or in the name of any other person.

3. The land declared under para. 2 shall be resumed by the Board of Revenue and disposed of in accordance with existing policy of the Government and the law or rules for the time being in force.

4. Any person who has contravened para. 2 shall, on report of the Board of Revenue in this behalf, be liable to punishment.

5. M. L. O. 33 issued by this Martial Law Headquarter is hereby repealed.

#### No. 62

#### [SIND IRRIGATION WATER (DISTRIBUTION) ORDER, 1978]

[2nd May, 1978]

Whereas it is expedient to ensure equitable distribution of irrigation water in the Province and undo the injustice resulting from grant of direct outlets through Feeders, Main Canals and Branch Canals ;

Now, therefore, in pursuance of Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone 'C', hereby make and promulgate the following Martial Law Order :

1. This Order shall be called the Sind Irrigation Water (Distribution) Order, 1978 and shall come into force at once.

2. Notwithstanding anything contained in any law, rule, order of any authority or agreement, all direct outlets given through Feeders, Main Canals and Branch Canals and all Irrigation changes made in respect of such direct outlets during the period from 1st January 1972 to 4th July 1977 are hereby cancelled, and shall cease to function from the 30th April 1978.

3. The irrigation arrangements as existed immediately before coming into being of the changes mentioned in para. 2 shall stand revived from the 30th April 1978 and the previous sources of supply of irrigation water shall be got restored by the land-holders concerned at their own cost.

4. Subject to such decision as may be taken by the Committee



mentioned in para. 5, the *status quo* shall be maintained in respect of the following :

- (i) Pumps sanctioned on Feeders, Main and Branch Canals.
- (ii) Canal Systems of Kotri and Gudu Barrages
- (iii) Rice Canal, Khairpur Feeder East and Khairpur Feeder West, N. W. Canal and Dadu Canal Systems.
- (iv) Rohri Canal System from Head to Sakrand regulator.
- (v) Left side Nara Main Canal from Jamrao to Farash and Right side from Jamrao to Makhi.
- (vi) Direct outlets sanctioned to supplement supplies in Government channels and those sanctioned in lieu of scrapping Tandu Ghulam Ali Distributory from old to new Head.

5. A Committee appointed by the Deputy Martial Law Administrator concerned in consultation with the Commissioner concerned shall examine the cases relating to sources of water mentioned in para. 4 and determine the necessity of continuance or otherwise of such sources.

6. A person aggrieved by any action taken under this Order may, within fifteen days of the action, make representation to the Martial Law Administrator through the Commissioner concerned who shall forward the representation together with his recommendations to the Additional Chief Secretary, Irrigation and Power Department and the latter shall obtain the order of the Martial Law Administrator on such representation.

#### No. 63

#### [EQUITABLE DISTRIBUTION OF DRINKING WATER IN KARACHI]

[27th April, 1978]

Whereas the city of Karachi is facing shortage of drinking water ;

And whereas it is expedient to ensure equitable distribution of drinking water in Karachi :

Now, therefore, in pursuance of Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone 'C' hereby make and promulgate the following Order :—

1.—(1) All Managers or Owners of Swimming Pools shall, by 22nd April 1978, get their swimming pools registered with the Director-General, Karachi Development Authority.

(2) For the purpose of the registration they shall furnish the following information :—

- (a) Source of supply.
- (b) Diameter of the supplying pipe.
- (c) Whether the pool is equipped with filtration/recirculation plant.
- (d) Location of the pool.

2. Notwithstanding anything contained in any law, rule or agreement, drinking water shall not be used in the swimming pools and owners or managers of such pools shall, disconnect all connections of the pools taken from drinking water lines, by 25th April 1978, except those pools which are required for purposes of official sports for which prior sanction shall be

obtained from DG KDA. All such permissions granted by DG KDA will be notified in the Press and shall be subject to scrutiny by ML authorities.

3. Water supply for agricultural purposes shall be stopped where tube-well facility is available and where no such facility is available shall not exceed fifty per cent. of the existing quantity, KDA shall disconnect supply in the effected areas. All such disconnections shall be notified in the Press.

4. The officials, as may be authorized by the Karachi Development Authority shall, within three days of the promulgation of this Order, undertake a survey of suction pumps installed in the Defence Housing Society Area and shall close unauthorized and illegal pumps and the pumps of such premises the occupants of which are not living in Karachi. KDA will provide alternative means of water supply to all such houses.

5. All water connections granted from main line shall be disconnected by KDA/KMC and alternative supply line provided to individuals by respective granting authority.

6. The Karachi Development Authority/Karachi Metropolitan Corporation shall make effective arrangement for proper supervision of hydrants and prevention of water leakage. Provided that only six hydrants three of Karachi Development Authority and three of Karachi Metropolitan Corporation shall remain in operation and the remaining four shall be closed.

7. The Karachi Development Authority/Karachi Metropolitan Corporation shall, wherever necessary, regulate the supply of drinking water by fixing time schedules.

8. All unauthorised connections shall be discontinued immediately and individuals provided alternative supply or proper connection.

9. Any unauthorised use of water, in any form or for any purpose shall be deemed to be contravention of this order.

No. 64

[CANCELLATION OF FIRE-ARMS LICENCE ORDER]

[2nd May 1978]

Whereas it is expedient for the maintenance of law and order to review and cancel such licences for fire-arms as are held by undesirable persons :

Now, therefore, in pursuance of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Lieutenant General Mohammad Iqbal Khan, Martial Law Administrator Zone 'C', hereby make and promulgate the following Order :—

1. This order shall be called Cancellation of Fire Arms Licence Order, 1978 and shall come into force at once.

2. Notwithstanding anything contained in any law or rule for the time being in force, a District Magistrate shall review the licences for fire-arms issued between 1st January 1972, and 31st December 1976, and if he is satisfied that any such licensee is an undesirable person and is not fit to hold the licence he shall cancel his licence.

3. A licensee aggrieved by the order made under para. (2) may within thirty days of the order, refer appeal to the Government, whose order shall be final.

**Explanation :**

- (i) Government means Government of Sind in the Home Department.
- (ii) Undesirable person means a person of ill repute, or a history-sheeter, or a person convicted for any anti-social/disruptive activities or a political agitator, or a Goonda, or a person who is in any way threat to law and order in the area.

**No. 65**

[8th May, 1978]

In exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator and in supersession of all Martial Law Order issued in this behalf, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator Zone, 'C' hereby.

(a) convene the following Special Military Courts and Summary Military Courts in Sector I (Karachi Division), Sector II (Hyderabad Division) and Sector III (Sukkur Division) for trial of any person for contravention of Martial Law Regulations or Martial Law Orders and for offences under any other law for the time being in force.

(b) direct that Courts against which dates have been mentioned shall be deemed to have been convened on and from the same dates.

**1. Sector No. I (Karachi Division).****SPECIAL MILITARY COURTS****Special Military Court No. 1.**

(a) *President*.—Lt.-Col. Abdul Majeed Tareen.

(b) *Members* :

(i) Major Mutee-ur-Rehman.

(ii) Mr. Rashid Alam—Magistrate First Class.

**Special Military Court No. 2.**

(a) *President*.—Commander S. A. Khan.

(b) *Members*:

(i) Lt. Muhammad Aslam P. N.

(ii) Khawaja Shafiq Ahmed—Magistrate First Class.

**Special Military Court No. 3.**

(a) *President*.—Lt.-Col. Sarfraz Ahmed Bukhari.

(b) *Members*:

(i) Major Umair Ahmed.

(ii) Mr. Obedullah Lakho—Magistrate First Class.

**II. Summary Military Courts.****1. KARACHI EAST****Summary Military Court No. 1.**

Major Muhammad Afzal Mujtaba Hazir with effect from 10th April 1978.

**Summary Military Court No. 2 :**

Major Ghulam Ahmed Kabir with effect from 25th February 1978.

**Summary Military Court No. 3.**

Major Umair Ahmed with effect from 25th February 1978.

**2. KARACHI WEST**

**Summary Military Court No. 1.**

Major Fazal-i-Murad with effect from 25th February 1978.

**Summary Military Court No. 2.**

Major Abbas Haider with effect from 25th February 1978.

**3. KARACHI SOUTH**

**Summary Military Court No. 1.**

Major Saif Ullah Cheema with effect from 25th February 1978.

**Summary Military Court No. 2.**

Major Aftab Lodhi with effect from 25th February 1978.

**Summary Military Court No. 3.**

Major Muhammad Sadique with effect from 25th February 1978.

**Summary Military Court No. 4.**

Commander Baqar Ali Khan with effect from 25th February 1978.

**Summary Military Court No. 5.**

Major Gul Muhammad with effect from 30th April 1978.

**III. Sector No. 2 (Hyderabad Division)**

**SPECIAL MILITARY COURTS**

**HYDERABAD AND MIRPURKHAS DISTRICTS**

**Special Military Court No. 1.**

(a) *President*.—PA-6529 Lt.-Col. Rauf Ahmed Khawaja.

(b) *Members* :

(i) PSS-11425 Major Atta Muhammad Awan, S. J.

(ii) Jumman Shah Additional First Class Magistrate.

**Summary Military Court No. 2.**

**SANGHAR DISTRICT**

(a) *President*.—PA-5332 Lt.-Col.-Khadim Hussain.

(b) *Members* :

(i) PA-13412 Capt. Muhammad Hamid Khan.

(ii) Mr. Muhammad Ali Shaikh, SDM Sanghar.

**Special Military Court No. 3.**

**THATTA DISTRICT**

(a) *President*.—PA-6074 Lt.-Col. Abdur Rehman.

(b) *Members* :

(i) PSS-15061 Capt. Wazir Muhammad.

(ii) Mr. Khan Muhammad Mashori, Magistrate First Class.

**Special Military Court No. 4.**

## BADIN DISTRICT

(a) *President*.—PA-6642 Lt.-Col. Sanawar Khan.

(b) *Members* :

(i) PA-11967 Major Razi Haider Abbas.

(ii) Mr. Bashir Ahmed Unar.

Special Military Court No. 5.

## DADU DISTRICT

(a) *President*.—PA-4633 Lt.-Col. Muhammad Sadiq Khan.

(b) *Members* :

(i) PA-8753 Major Saleem Ullah.

(ii) Ahmed Bux Resident Magistrate, Dadu.

## IV. Summary Military Courts

## HYDERABAD DISTRICT

Summary Military Court No. 1.

PA-10603 Major Parvez Amin Mufti with effect from 10th July 1977.

Summary Military Court No. 2.

PSS-15812 Major Khalid Mahmud with effect from 8th April 1978.

## THARPARKAR AND MIRPURKHAS DISTRICTS

Summary Military Court No. 1.

PSS-11612 Major Zahir Ahmed with effect from 3rd November 1977.

## BADIN DISTRICT

Summary Military Court No. 1.

PSS-11689 Major Khalid Shafiq.

## THATTA DISTRICT

Summary Military No. 1.

PA-10023 Major Nasim Ali Asani with effect from 23rd February 1978.

## DADU DISTRICT

Summary Military Court No. 1.

PA-10022 Major Altaf Hussain with effect from 29th March 1978.

## SANGHAR DISTRICT

Summary Military Court No. 1.

PA-10133 Major Khan Tariq Eqbal with effect from 10th July 1977.

Sector No. 3 (Sukkur Division).

## Special Military Courts.

Special Military Court. No. 1.

(a) *President*.—PA-6680 Lt.-Col. Gul Yousaf.

(b) *Members* :

(i) PA-16388 Capt. Shamsur Rehman.

(ii) Muhammad Ismail Rajpur, Magistrate, First Class.

Special Military Court No. 2.

(a) *President*.—PA-6684 Pervaiz Sarwar.

(b) *Members :*

- (i) PSS-8461 Major Inayat Ullah.
- (ii) Mr. Anwar Ali Khokhar, A. C.

VI. Summary Military Courts.

SUKKUR DISTRICT

Summary Military Court No. 1.

PSS-9891 Major Farooq Akhtar Ghumman.

KHAIRPUR DISTRICT

Summary Military Court No. 1.

PA-8684 Major Mahboob Alam.

NAWABSHAH DISTRICT

Summary Military Court No. 1.

PA-7552 Major Riaz Hussain.

LARKANA DISTRICT

Summary Military Court No. 1.

PA-11603 Major Farooq Ahmed Hashmi.

JACOBABAD DISTRICT

Summary Military Court No. 1.

PA-7737 Major Imtiaz Mahmud.

SHIKARPUR DISTRICT

Summary Military Court No. 1.

PSS-15786 Major Abdul Ghaffar Khan Abbassi.

No. 66

[PREVENTION OF ROAD ACCIDENTS ORDER]

[8th May 1978]

Whereas the road accidents in the Province have been on the increase ;

And whereas it is expedient to minimise these road accidents and save valuable human lives and property.

Now, therefore, in pursuance of the powers conferred by Martial Law Order No. 3, issued by the Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator Zone 'C' hereby make and promulgate the following order :—

1. (i) This Order may be called the Prevention of Road Accidents Order, 1978.

(ii) It shall come into force and shall take effect notwithstanding anything contained in any law or rules for the time being in force.

2. The offences involving Public Motor Transport Vehicles, which are punishable under the Pakistan Penal Code or under the Motor Vehicles Ordinance, 1965 and the rules thereunder shall, as and when directed by the Martial Law Authorities be tried by Summary and Special Military Courts.

3. (i) The Government of Sind in the Home Department shall for the purposes of this Order constitute one or more Boards each comprising Secretary, Regional Transport Authority, Motor Vehicle Inspector and a representative of public and private transports, nominated by the Government.

(ii) No motor vehicle shall ply as public transport without obtaining a fitness certificate from the Board :

Provided that the Motor Vehicles plying as public transport immediately before coming into force of this order, on the basis of a fitness certificate obtained under the existing rules, shall, on expiry of such certificate, obtain a fresh certificate from the Board :

Provided further that fresh certificate shall be necessary if the Motor Vehicle has been involved in an accident.

(iii) The Board shall refuse to grant fitness certificate if—

(a) the Motor Vehicle is not fitted with reflectors on the front as well as rear side ;

(b) the speedo-meter of the vehicle is not in working order ; and

(c) all illegal markings, paintings and other objectionable captions on the Motor Vehicles ordered by the Board to be removed have not been removed.

4. Driving licence for driving a Motor Vehicle as Public Transport shall not be issued or renewed until—

(i) the authority competent to issue licence has satisfied itself about the character/antecedents of the applicant ; and

(ii) the certificate of medical fitness of authorised medical practitioner has been produced by the applicant.

5. The private and Public Transporters and drivers and conductors employed with them shall observe such working hours as are mentioned in the Road Transport Workers Ordinance, 1961.

6. (i) The drivers of Motor Vehicles of Public Transport shall not make use of intoxicants and narcotics.

(ii) Music shall not be played in running Motor Vehicles plying as Public Transport.

7. No Government Servant or his dependent shall be permitted to own a private vehicle for commercial purposes, and if any such Government Servant or his dependent is in possession of such vehicle, he shall give such intimation to the Headquarters Martial Law Administrator, Zone 'C', forwarding a copy to the Secretary, Regional Transport Authority not later than 25th May 1978, with the justification if any for keeping such vehicle.

8. In case of fatal accident, the following additional penalties shall be imposed pending decision of the Court :—

(i) The vehicle shall be impounded by the police.

(ii) Route permit in respect of vehicle shall be suspended by the Secretary, Regional Transport Authority.

9. Any person aggrieved by this order may, within fifteen days of the order of penalty or other provisions of M. L. O. prefer an appeal to Regional Transport Authority.

No. 67

[REGULARISATION AND DEVELOPMENT OF KATCHI ABADIS]

[10th July 1978]

Whereas it is expedient to regularize and develop Katchi Abadis in the Province of Sind to provide basic essential facilities ;

Now, therefore, in pursuance of Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone "C" hereby promulgate the follow-Martial Law Order :—

1. This Martial Law Order shall be called "Regularisation and Development of Katchi Abadis" and come into force at once and shall have effect notwithstanding anything contained in any other law for the time being in force.

2. There shall be established a Directorate of Katchi Abadis under the Housing, Town Planning Local Government and Rural Development Department, hereinafter referred to as the Directorate.

3. The Directorate shall—

(a) collect data and consolidate statistics in connection with Katchi Abadis ;

(b) monitor the progress of regularisation work of Katchi Abadis ;

(c) arrange transfer of land on which any Katchi Abadi is located to the respective local bodies ;

(d) plan and execute the schemes for rehabilitation of families displaced from such areas which are not regularisable ;

(e) co-ordinate and supervise the physical work of survey and regularisation by Municipal/Local Bodies and other agencies ;

(f) hear and as far as possible redress genuine grievances arising under these Orders.

4. (a) The Directorate will be headed by a Director appointed by the Government with such complimentary staff as may be sanctioned by the Government.

(b) The existing Directorate of the Town Planning will be merged with the Directorate.

(c) The Directorate shall be located in the premises of the Master Plan of the Karachi Development Authority.

5. The Karachi Development Authority, Karachi Metropolitan Corporation and Town Planning Unit of Hyderabad Development Authority at Hyderabad and all other agencies concerned shall assist the Directorate in the discharge of its functions and shall from time to time report to it the progress of the work relating to regularisation of Katchi Abadis.

6. The Master Plan Department of the Karachi Development Authority and the Central Planning Team of Karachi Metropolitan Corporation will be available for planning and advice to the Directorate especially with regard to basic planning concepts guidelines for regularisation.

7. The regularization and development of Katchi Abadis will be undertaken in three phases as under :—

*Phase 1 :*

*Collection of data.*—To be completed as soon as possible for which a schedule of work will be fixed by the Government.

*Phase 2 :*

Regularization and Development of Katchi Abadis on Government or Local Council's lands.



**Phase 3 :**

Regularization of Katchi Abadis on private land or if that is not possible, providing alternate sites for residents of such Abadis and undertaking development thereof.

8. The development and regularization of Abadis shall include the following :—

(a) Realignment of roads, layout, other facilities like schools, etc. and readjustment after necessary survey.

(b) Giving of long term (99 years) lease rights to individuals with the clause of another lease for 99 years at lessee's request. Such leases shall be non-transferable except by inheritance. Lease price shall be determined by the Government at the rates which shall not be less than the existing Government rates.

(c) Provision of following facilities :

(1) Roads.

(2) Water.

(3) Sewerage.

(4) Electricity.

(5) Gas.

(d) Acquiring land or shifting Abadis to suitable areas where considered necessary.

9. The cost of development of Abadis so regularized shall be recovered from the beneficiaries. Till the development is done the individuals shall not pay any house tax or other such charges since development cost will be shared by the occupants on a basis to be worked by the Government.

**No. 68**

[10th June 1978]

In exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator and in supersession of all Martial Law Orders issued in this behalf, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone 'C' hereby,—

(a) convene the following Special Military Courts and Summary Military Courts in Sector I (Karachi Division) and Sector III (Sukkur Division) for trial of any person for contravention of Martial Law Regulations or Martial Law Orders and for offences under any other law for the time being in force in place of corresponding Courts constituted under Martial Law Order No. 65 and the new Courts shall be deemed to have been convened on and from the dates mentioned against them :—

1. Sector No. I (Karachi Division)—Special Military Courts.

*Special Military Court No. 3 :*

(a) President—PA-6074 Lt.-Col. Abdul Rehman.

(b) Members.

(i) PA-11642 Major Atta Muhammad Awan.

(ii) Mr. Abdul Hafeez Kazi, Ist Class Magistrate.

(c) Prosecutor—Mr. Irfan Tirmizi, PDSP.

**II. Summary Military Courts.**

**1. Karachi East.**

**Summary Military Court No. 1.**

President PA—12023 Major Nazir Ali Isani with effect from 23rd May 1978.

**Summary Military Court No. 2.**

President—PSS-11018 Major Musarrat Khaliq with effect from 23rd May 1978.

**Sector No. 3 (Sukkur Division)—Special Military Courts.**

**Special Military Court No. 2**

President—PA-6466 Lt.-Col Muhammad Rafique with effect from 1st May 1978.

**Members.**

(i) PSS-8461 Major Inayat Ullah.

(ii) Mr. Manzoor Ali Awan, AC Sukkur.

**Sukkur District**

**Summary Military Court No. 1.**

PA-7359 Major Akhlaque Ahmed with effect from 1st June 1978.

**Khairpur District**

**Summary Military Court No. 1.**

PSS-9891 Major Farooq Akhtar Ghumman with effect from 1st June 1978.

**No. 69**

**[FOREST LAND LEASE ORDER]**

**[10th July 1978]**

Whereas, it is expedient to review leases in respect of forest land granted during the period between the 1st January 1972, and the 4th July 1977, in order to determine the irregularities in grant of such leases and to prevent further loss to the State ;

Now, therefore, in pursuance of the powers conferred by Martial Law Order No. 3, issued by the Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone 'C' hereby promulgate the following Martial Law Order :—

1. (a) This Order shall be called as the 'Forest Land Lease Order, 1978'.

(b) It shall come into force at once and shall take effect notwithstanding anything contained in any law, rule, or order of any authority or any agreement for the time being in force.

2. In this Order, unless the context otherwise requires :—

(a) "Competent authority" means the authority empowered under the relevant law or rules to grant lease ;

(b) "Forest Land", means forest land belonging to or under the administrative control of the Forest Department and includes Reserved and Protected Forests and any land or space used for storage of any material or product lying within the boundaries of such forests ;

(c) "Government" means the Government of Sind, in the Wildlife and Forest Department.

3. The competent authority shall review all leases of the forest land granted during the period between 1st January 1972, and the 4th July 1977, and if the said authority is satisfied that any such lease has been granted, or the period thereof has been extended in violation of the relevant law or rules, or as a political favour, or for any such extraneous considerations the lessee has committed breach of any term or condition of the lease, it shall cancel the same and the land shall be resumed without payment of any compensation.

4. (a) Any person aggrieved by the order made under para. 3, may within fifteen days of the order prefer appeal to the Chief Conservator of Forests, if the order is made by the competent authority other than the Chief Conservator of Forests or the Government or make an appeal to Government if the order is made by the Chief Conservator of Forests or make a review petition to Government if the order is made by the Government, and the Order of the Chief Conservator of Forests or as the case may be, the Government, shall be final.

(b) Appeal or review petition made under clause (1) shall be decided within thirty days.

5. The details of the leases cancelled or confirmed under this Order shall be published in Press.

6. The process of scrutiny of lease shall be completed not later than 15th September 1978, and the Secretary to Government of Sind, Wildlife and Forest Department shall ensure the completion of the process on Schedule by obtaining periodical progress reports from all concerned.

7. All leases of forest land shall, after coming into force of this Order, be granted in accordance with the procedure laid down in Part II of M.L.O. No. 60.

#### No. 70

[10th July 1978]

In exercise of the powers conferred by Martial Law Order No. 4 issued by the Chief Martial Law Administrator and in supersession of all Martial Law Orders issued in this behalf, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator, Zone 'C' hereby convene the following Special Military Courts and Summary Courts in Sector—I (Karachi Division), Sector—II (Hyderabad Division) and Sector—III (Sukkur Division) for trial of any person for contravention of Martial Law Regulations or Martial Law Orders and for offences under any other law for the time being in force. These Courts may move from place to place for conducting trials :

(a) Headquarters Deputy Martial Law Administrator Sector No. 1.  
Special Military Court :

(1) President—PA-7051 Lieutenant-Colonel Abdul Hassan.

(2) Members :

(i) PSS-10786 Major Imtiaz Azam Khan.

(ii) Mr. Khawaja Shafiq Ahmed, 1st Class Magistrate.

(3) Jurisdiction Karachi Division.

Summary Military Court :

(1) President—PSS-11089 Major Khalid Shafiq.

(2) Jurisdiction—Karachi Division.

(b) Headquarters Deputy Martial Law Administrator Sector No. 2.

Special Military Court :

(1) President—PA-6649 Lieutenant-Colonel Maqbool Hussain.

(2) Members :

(i) PSS-11772 Captain Sikandar Zia.

(ii) Mr. Altaf Hussain Siddiqui, 1st Class Magistrate.

(3) Jurisdiction—Hyderabad Division.

Summary Military Court.

(1) President—PA-10133 Major Tariq Iqbal.

(2) Jurisdiction—Hyderabad Division.

(c) Headquarters Deputy Martial Law Administrator Sector 3.

Special Military Courts :

(1) President—PA-6690 Lieutenant-Colonel Gul Yousuf.

(2) Members :

(i) PA-16388 Captain Shamsur Rehman.

(ii) Mr. Muhammad Ismail Khaskelly (S. D. M. Rohri), 1st Class Magistrate.

(3) Jurisdiction Sukkur Division.

Summary Military Courts.

(1) President—PA-11088 Major Fayaz Jilani.

(2) Jurisdiction—Sukkur Division.

No. 71

[ESTABLISHMENT OF DISQUALIFICATION TRIBUNALS]

[10th July 1978]

In exercise of the powers conferred by Martial Law Order No. 31 reconstituted by Martial Law Order No. 47 issued by the Chief Martial Law Administrator, I, Lieutenant-General Muhammad Iqbal Khan, Martial Law Administrator Zone 'C' hereby establish the following Disqualification Tribunals :—

(a) Disqualification Tribunal No. 1 :

(1) PA-4625 Brig. Muhammad Afzal Ahmed.

(2) S. Nasir Hussain Jafri, Additional District and Sessions Judge.

(b) Disqualification Tribunal No. 2 :

(1) PA-4852 Brig. Humayun Malik.

(2) Muzaffar Ali Soomro, Additional District and Sessions Judge.

(c) Disqualification Tribunal No. 3 :

(1) PA-4090 Brig. Chaudhry Muhammad Sharif.

(2) Shah Nawad Awan, Additional District and Sessions Judge.

# MARTIAL LAW INSTRUCTIONS

By

## MARTIAL LAW ADMINISTRATOR ZONE "C"

Instructions Nos. 1 to 5

[Not received]

No. 6

[13th April 1978]

1. *General.*—This instruction deals with the arrest, investigation and conduct of trial by Special Military Courts and disposal of mercy petitions, if any.

2. *Arrest.*—Same procedure as outlined in Martial Law Instruction (Zone 'C') No. 4 dated 14th March, 1978 pertaining to Summary Military Courts.

3. *Investigation.*—Same procedure as spelled out in para. 3 of Martial Law Instruction (Zone 'C') No. 4 dated 14th March 1978, with a variation that where the SMLA considers that the case merits adjudication by a Special Military Court, he will forward the Summary of Evidence/Abstract of Evidence along with a tentative charge-sheet to HQ DMLA. It would be advisable to record Summary of Evidence ; but if it is not possible then Abstract of Evidence, in accordance with PAA Rule 13-A and Fifth Appendix thereto, page 510 MPML, Vol. I shall be recorded.

4. *Processing of Cases HQ DMLA.*—On receiving case at Sector HQ DAAG (ML)/DAJAG if any will process it. He will prepare a pre-trial brief and a draft charge-sheet for the DMLA. The DMLA, keeping in view the full facts and circumstances of the case, may take one of the following actions :—

(a) Return the case to SMLA for trial by Summary Military Court.

or

(b) Refer the case to an ordinary Court of competent jurisdiction, provided that the offence falls under the ordinary law.

or

(c) Refer the case to HQ MLA Zone 'C' for getting pre-trial advice for trial by Special Military Court. Broadly speaking, a case where there is a wilful defiance of any Martial Law Regulation, or a crime directed against the objectives of Martial Law should be reserved for trial by a Special Military Court. Also, crimes like theft, dacoity and gangsterism, etc. directed against peace of the community should be adjudicated by Special Military Courts. Cases of abduction, kidnapping, and rape of minors will also be reserved for trial by Special Military Court. Barring these offences, all other offences may be tried by Summary Military Court or by Ordinary Courts of competent jurisdiction.

5. *Conduct of trial by Special Military Court.*

(a) *Constitution—*

(1) President—Lieutenant-Colonel.

(2) Members—(i) Major/Captain.

(ii) Magistrate 1st Class.

(b) *Convening of Special Military Court.*—Under CMLO No. 4 para. 4, MLA of a Zone can convene Special Military Courts in his Zone.

(c) *Prosecutor.*—Public Prosecutor/Additional Prosecutor of the district to which the case pertains, unless some other prosecutor is nominated.

(d) *Defence counsel.*—The accused may, if he so desire, engage a properly qualified counsel, who shall be deemed to be properly qualified to appear before a Special Military Court if he fulfils the following conditions :—

(1) Is a citizen of Pakistan.

(2) Is a legal practitioner authorized to practise in a Court of Session in Pakistan.

(e) *Jurisdiction*—Respective Sector (Civil Division). As specified in the Convening Order and such other cases as may be brought before the Court on the direction of MLA/DMLA.

(f) *Powers of Punishment*—

(1) Death.

(2) *Amputation.*—May be awarded in respect of following offences :—

(i) Theft.

(ii) Dacoity.

(iii) Robbery.

The sentence of amputation shall not be combined with any other punishment

(3) Imprisonment for life.

(4) R.I. for 14 years.

(5) *Whipping of stripes.*—Provided that whipping shall not be inflicted on the following :—

(i) Women.

(ii) Men over 45 years or below the age of 18 years.

(6) *Fine.*—Unlimited unless otherwise specified in a Martial Law Regulation under which the accused is charged.

(7) Forfeiture of movable and/or immovable property, either complete or in part. Utensils, clothings and other items necessary for life shall not be forfeited.

(g) *Permissible Combination of punishments.*—As allowed by CMLO No. 5, para. 2.

(h) *Form of Proceedings of Special Military Court.*—Annexure 'A' may be used with variations if any in accordance with Third Appendix MPML Vol. I.

(i) *Charge-Sheet.*—Appropriate charges based on the facts disclosed by the Summary of Evidence/Abstract of Evidence will be framed against the accused. The charge-sheet will be signed by Col. Adm. of HQ MLA, Zone 'C'.

(j) *Oaths.*—The President, members and interpreter will be duly sworn.

(k) *Arraignment.*—The accused will be arraigned on each charge and his answer in the form of "Guilty" or "Not Guilty" recorded on each charge.

(l) *Procedure on "Plea of Guilty".*—If the accused pleads "Guilty" his plea shall become the "Finding" of the Court. In that case the Court shall

read the Summary of Evidence/Abstract of Evidence and annex it to the proceedings. Before convicting the accused on his plea of "Guilty", the Court shall ascertain that he has understood the consequences of his plea and the difference in procedure that his plea would make. If from the statement of accused, or from Summary of Evidence/Abstract of Evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty" then the Court shall alter the plea to that of "Not Guilty" and proceed with a regular trial. The Courts are reminded that the plea of "Guilty" shall not be accepted in cases where the accused is liable, if convicted to be sentenced to death; and where such plea is made, the trial shall proceed, as if the plea made was that of "Not Guilty".

(m) *Procedure on Plea of "Not Guilty".*—After recording the plea of "Not Guilty", the Prosecutor may give the opening address. It is to be followed by the prosecution evidence. At the close of prosecution evidence, the accused shall be afforded the opportunity of making a statement, followed by the defence evidence. The evidence shall be recorded in accordance with the law of evidence and the Court shall not admit any inadmissible piece of evidence (PAA Section 112 refers).

(n) *Addresses.*—Both the parties shall have the right to make the addresses. The party, which will examine the witness last, shall make the closing address first, e.g., if the defence has not produced any witness, then the prosecutor will give the closing address first, followed by the closing address by the defence counsel; but if the defence has produced the witnesses, the order of addresses will be reversed.

(o) *Findings.*—The Court shall appreciate the evidence both for and against the accused, including the statement of the accused, if any, to arrive at the verdict. An absolute majority of the votes by the members shall determine the finding in every case. The President has no casting vote on finding. It shall be recorded as "Guilty" or "Not Guilty" as the case may be. The Court may record a special finding if so warranted by the evidence adduced before it. Special finding, if required, may be recorded on the lines of specimen given on page 487, MPML Vol. I (Reprint 1975).

(p) *Proceedings on Conviction.*—After the finding of "Guilty" the Court will record evidence with regard to character of the accused as is available. Oral evidence that the accused is of good character is admissible, but oral evidence about his bad character should not be accepted. If the circumstances render it impracticable for the Court to take down any evidence as to character, the President will record on a plain paper the reasons for such impracticability. When all the evidence about the aforesaid matters has been given, the accused may address the Court with regard to evidence about his character and for mitigation of punishment.

(q) *Sentence.*—A Special Military Court has power to pass any sentence authorised by laws, or prescribed by Martial Law Regulations. The sentence should be commensurate with the gravity of offence and should serve as a strong deterrent to forestall any increase in the rate of crime. The sentence of death shall be passed with the concurrence of all the members of the Court. All other sentences shall be decided by a majority of votes. The President has no second or casting vote. The President of the Court which passes a death sentence will furnish a certificate which may be endorsed underneath the sentence stating that the sentence of death has been passed with the concurrence of all the members of the Court.

(r) *Recommendation to Mercy.*—If any, will be recorded on a plain

paper in the form set out on page 491, M. P. M. L. Vol. I. If the Court makes recommendation to mercy, they shall give their reasons for their recommendation and may also enter in the proceedings the number of opinions by which such recommendation was adopted. Care must be taken that recommendation to mercy is not inconsistent with the finding.

(s) *Signing of proceedings.*—After sentence has been recorded the President will date and sign the sentence and such signature shall authenticate the whole of the proceedings. It is important that the date of the sentence should be inserted, because imprisonment is reckoned to commence from the day on which the sentence and proceedings are signed by the President.

6. *Post-Trial Advice.*—After signing the proceedings, the President of the Court shall forward the same to DAJAG HQ MLA, Zone 'C' for post trial advice.

7. *Revision.*—Revision of finding of sentence may be ordered by the confirming officer; and on such revision, the Court, if so directed by him, may also take additional evidence. Revision can only be ordered once, there cannot be a second revision.

8. *Confirmation.*—No finding and sentence of Special Military Court will be valid unless these are confirmed by the convening authority. The convening authority may reserve the same for confirmation by an authority superior to him. The sentence of death and amputation of hand shall be referred to C. M. L. A. for confirmation.

9. *Promulgation.*—The charge, finding and sentence and any recommendation to mercy shall, together with the confirmation or non-confirmation of proceedings, be promulgated and extracts taken, *mutatis mutandis*, on the lines of P. A. A., rule 58.

10. *Committal Warrants.*—As per Appendix IX, "A Hand Book of Martial Law" (page. 54). Specimen attached as Annexure B. Where punishment is death, Forms PAFD, 911-A & PAFD, 911-B, on page 502 M P M L Vol. I, with necessary modifications, will be used. Where the punishment is amputation of hand, Annexure C attached will be used.

11. *Mercy Petitions.*—May be considered on the merits of individual cases by M. L. A./C. M. L. A. who may grant pardon, remission, etc., in accordance with P. A. A. Section 143.

12. *Preservation of Proceedings.*—On promulgation the proceedings of Special Military Court shall be forwarded to AAG HQ M. L. A., Zone 'C' for preservation. On winding up of Martial Law these proceedings will be handed over to HQ 5 Corps where these will be preserved for a period of three years or as directed by C. M. L. A.

13. *Reports and Returns*—

(a) Form ML-4 (Record of trials held by Special Military Court No. —) will be forwarded every Tuesday by the Court through H Q DMLA concerned to HQ M. L. A., Zone 'C'. Specimen of Form ML-4 given on page 49 of "A" Hand Book of Martial Law" is attached as Annexure 'D'.

(b) Form ML-1 (Martial Law Disposal Form for 'Accused' Persons) duly completed, shall accompany the proceedings of each Special Military Court.

14. *Books/References*—

(a) M. P. M. L. Vols. I and II.



- (b) A Hand Book of Martial Law.
- (c) Memorandum of Field General Court Martial.
- (d) Notes on Pakistan Military Law.
- (e) Chief Martial Law Regulations (C. M. L. R.), Chief Martial Law Orders (C. M. L. O.) and Martial Law Orders, Zone 'C' (M. L. O. Zone 'C') and Martial Law Instruction Zone 'C' (M. L. I. Zone 'C').

15. Copies of this Instruction will be kept in Court Martial Law Boxes with all Special Military Courts. Presidents of Courts will thoroughly study the Law of Evidence and other references. Investigating Officers shall be briefed on the procedure and technique of recording Summary of Evidence/abstracts by respective D. M. L. As/S. M. L. As.

[Note.—For Annexures please see Gazette of Sind, Part I, 13th April, 1978].

### No. 7

#### [APPOINTMENT OF LEGAL ADVISORS]

[13th April, 1978]

Whereas the existing practice of appointment of Legal Advisors to various Autonomous/Semi-Autonomous Bodies including Local Councils is not uniform and needs streamlining :

Now, therefore, I, Lieutenant-General Mohammad Iqbal Khan, Martial Law Administrator, Zone 'C', hereby issue the following instructions which will govern these appointments in the Province with immediate effect :—

1. For the purpose of these instructions 'employing authority' means autonomous/semi-autonomous body or a local council which includes a municipal corporation, municipal committee and town committee.

2. The employing authority shall have power to appoint whole-time or part-time legal advisor depending upon the nature and volume of the work to be assigned to such appointee.

3. No legal advisor shall initially be appointed for over two years provided that the term of his appointment may be once extended subject to the satisfactory performance of the legal advisor and such extension should normally be granted only when no other suitable replacement is available.

4. Notwithstanding anything contained in para. 3, the services of legal advisor may be terminated before the expiry of the term of his appointment if in the opinion of the employing authority his work is not found to be satisfactory ; provided that he shall be given notice of not less than 15 days before the termination order is issued.

5. The employing authority may appoint a legal advisor on monthly retainer or on payment of such fee or emoluments and may provide such additional facilities to the legal advisors as the said authority deems fit within the framework of the relevant law and rules : provided that the retainer or as the case may be, the fee or the emoluments or other facilities shall not be revised during the term of his appointment.

6. A person possessing legal experience of not less than five years either at Bench or the Bar shall be eligible for appointment as legal advisor.

7. All legal advisors shall be appointed on the recommendations of the Committee mentioned in para. 8 and with approval of the Law Department, Sind.

8. A Committee comprising the District Judge, the Deputy Commissioner, the District Public Prosecutor and the nominee of the employing authority shall make selection of legal advisor required by municipal committee or town committee and a committee comprising nominee of the Chief Justice, a nominee of Law Department, a nominee of the Advocate-General and a nominee of the employing authority shall make selection of legal advisors required by other employing authorities.

9. All the vacancies in the posts of legal advisors shall be advertised in Press and the applications shall be made to the employing authority, forwarding a duplicate copy of the application to the Law Department, Sind.

10. The Committee referred to in para. 8 shall interview the candidates for legal advisorship and on the basis of assessment of the candidates, shall send their recommendations to the Law Department and after clearance by the Law Department, the employing authority concerned shall issue appointment Order of Legal Advisor.

11. These instructions shall take effect notwithstanding anything contained in any law or rules.

12. The employing authorities shall have the existing appointment of the legal advisors reviewed by the appropriate Committee and such reviews shall be completed by 15th May 1978.

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Q. Now, what was the date of the first meeting?

A. The first meeting was on the 1st of May, 1964.

Q. And the second meeting was on the 2nd of May, 1964?

A. Yes.

Q. Now, what was the date of the third meeting?

A. The 3rd of May, 1964.

Q. And the fourth meeting was on the 4th of May, 1964?

A. Yes.

Q. Now, what was the date of the fifth meeting?

A. The 5th of May, 1964.

Q. And the sixth meeting was on the 6th of May, 1964?

A. Yes.

Q. Now, what was the date of the seventh meeting?

# MARTIAL LAW ORDERS

By

MARTIAL LAW ADMINISTRATOR, ZONE 'D'

No. 1

[12th July 1977]

Whereas General M. Zia-Ul-Haq, Chief-Martial Law Administrator has appointed me, Major-General S. M. Abbasi, Martial Law Administrator for the Province of Baluchistan and whereas I have taken up the said appointment, I now order that for the purpose of operation of Martial Law, the Province of Baluchistan is divided into four sectors corresponding to the four civil divisions of Baluchistan and that in each sector a Deputy Martial Law Administrator shall be appointed to discharge Martial Law functions.

Pursuant to the above, I hereby appoint the following Military Officers as Deputy Martial Law Administrators in the four civil divisions of Baluchistan and empower them to discharge Martial Law functions within their areas of responsibility :—

1. Brigadier Shakur Jan, S. J. Deputy Martial Law Administrator for Quetta Division—Sector No. 1.

2. Brigadier Riaz Ullah, Deputy Martial Law Administrator for Sibi Division—Sector No. 2.

3. Brigadier Sultan Ahmed, S. J. and Bar, Deputy Martial Law Administrator for Khuzdar Division—Sector No. 3.

4. Colonel Muhammad Shafi, Deputy Martial Law, Administrator for Mekran Division—Sector No. 4.

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No. 2

[13th July 1977]

I, Major-General S. M. Abbasi, Martial Law Administrator, Zone 'D' Baluchistan, issue the following orders which will be operative with immediate effect in the entire Province of Baluchistan :

All arms licences issued on or after 1st January 1977, are hereby cancelled. All weapons held on such licenses together with ammunition will be surrendered to the nearest police station or Military Unit or Civil Armed Forces units immediately but not later than 31st July 1977.

*Exception.*—Arms and ammunition issued to bank guards for security of banks will be produced before the authorities for verification, together with licences and will be returned to the lawful owners for the specified purpose after checking *bona fides*.

2. All persons in possession of unlicensed weapons and ammunition will also surrender these to the nearest police station or military unit or Civil Armed Forces unit immediately but not later than 31st July 1977. These include :—

(a) All types of rifles including automatics.

(b) All types of carbines including automatics.

(c) All types of shot-guns.

- (d) All types of revolvers and automatic pistols.
- (e) Swords.
- (f) All types of grenades.
- (g) Any other weapons of heavier calibres.

3. Persons holding licences for weapons of prohibited bore like point 303, 7.62 MM, 9 MM, 45 MM Calibres will also surrender these weapons alongwith ammunition and licenses to the nearest police station or military unit or Civil Armed Forces unit immediately but not later than 31st July 1977.

4. All types of corrosive acids and explosive material other than that issued legitimately to the authorised dealers/firms for *bona fide* purposes will also be surrendered immediately but not later than 31st July 1977.

5. No action will be taken for possession of these arms, ammunition, explosives and corrosive acids if these are surrendered within the period specified above. However, any one violating these orders after the specified period will be dealt with in accordance with Martial Law Regulation No. 8.

6. Carrying display of all types of weapons and ammunition except for surrendering purposes is banned.

7. The following holders of licenses are exempted from the operation of this order except that the said exemption shall not apply to retired civilian officers and Armed Forces personnel who are or have been members of or connected in any manner whatsoever with a political party :

- (a) All serving and retired personnel of the Armed Forces.
- (b) All Government officials.
- (c) All members of the Law enforcing agencies.

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No. 3

[13th July 1977]

With immediate effect the sale of all explosives and acids will be regulated as under in the Province of Baluchistan.

(a) All District Magistrates will immediately prepare an inventory of explosives and acids held by authorised dealers in their respective areas. Lists will be signed by the parties and the inventories will be endorsed to the respective Headquarters of Deputy Martial Law Administrators.

(b) All sales of explosives and acids for Industrial purposes etc. will hereafter be regulated by District Magistrates strictly in accordance with the provisions of Explosive Substances Act, 1908.

(c) Respective Deputy Martial Law Administrators will ensure implementation of this Act.

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No. 4

[17th July 1977]

1. Major-General Abdullah Saced, Martial Law Administrator

Baluchistan, Zone 'D', appoint the following Sub-Martial Law Administrators :—

**Sector—1 (Quetta Division).**

- (a) Colonel Muhammad Yaqub Sub-Martial Law Administrator, Loralai District.
- (b) Lt.-Col. Muhammad Akhtar Sub-Martial Law Administrator, Quetta District.
- (c) Lt.-Col. Agha Abdur Rehman Sub-Martial Law Administrator, Zhob District.
- (d) Lt.-Col. Rab Nawaz. Sub-Martial Law Administrator, Chaghi District.
- (e) Lt.-Col. Abdul Aziz. Sub-Martial Law Administrator, Pishin District.

**Sector—2 (Sibi Division).**

- (a) Lt.-Col. Syed Mukhtar Sub-Martial Law Administrator, Districts Sibi, Kachhi and Nasirabad.
- (b) Lt.-Col. Mushtaq Ahmad. Sub-Martial Law Administrator, Kohlu Agency.

**Sector—3 (Khuzdar Division).**

- (a) Lt.-Col. Muhammad Aslam. Sub-Martial Law Administrator, Khuzdar and Kharan Districts.
- (b) Lt.-Col. Zia-ul-Haq. Sub-Martial Law Administrator, Bela District.
- (c) Lt.-Col. Atta Ullah Sub-Martial Law Administrator, Kalat District.

**Sector—4 (Mekran Division).**

- (a) Lt.-Col. Muhammad Ashraf Sub-Martial Law Administrator, Mekran Division, Districts Gwadar, Panjgor and Turbat.

**No. 5**

[17th July 1977]

In exercise of the powers conferred upon me, by the Chief Martial Law Administrator, I, Major-General Abdullah Saeed, Martial Law Administrator (Baluchistan) Zone 'D' constitute the following Special Military and Summary Courts, in the Province of Baluchistan.

**(a) Special Military Court No. 1**

*Jurisdiction.*—Civil Division Quetta (Sector No. 1).

1. *President.*—PA-6454 Lt.-Col. S. M. Zulfiqar, ASC.
2. *Members.*—(1) PSS-8449 Major Mir Akbar Ali Khan, Arty.  
(2) Magistrate Class I, Mr. Abdul Aziz Lassi.

**(b) Special Military Court No. 2**

*Jurisdiction.*—Civil Division Khuzdar (Sector No. 3).

1. *President.*—PSS-4379 Lt.-Col. Malik Abdur Rehman. Punjab.
2. *Members.*—(1) PSS-8920 Major Muhammad Bakhsh. Punjab.  
(2) Mr. Ghazi Khan Tarin, Magistrate Class I.

## SUMMARY MILITARY COURTS

## (c) Summary Military Court No. 1

*Jurisdiction.*—Quetta District.

PSS-7237 Major Ghalib Sultan, FF.

## (d) Summary Military Court No. 2

*Jurisdiction.*—Quetta District.

PSS-15668 Major Muhammad Salim, Arty.

## (e) Summary Military Court No. 3

*Jurisdiction.*—Sibi District.

PSS-10070 Major Daood Hussain, Sig.

## (f) Summary Military Court No. 4

*Jurisdiction.*—Khuzdar and Kharan Districts.

PSS-7350 Major Abdul Majid Khan Malik, Punjab.

## (g) Summary Military Court No. 5

*Jurisdiction.*—Kohlu Agency.

PA-6868 Major Akhtar Hussain Awan, Sig.

## (h) Summary Military Court No. 6

*Jurisdiction.*—Bela District.

PSS-9147 Major Javed Mahmood, Arty.

## J. Summary Military Court No. 7

*Jurisdiction.*—Kalat District.

PSS-15818 Major Abdul Ghani, AK.

## (k) Summary Military Court No. 8

*Jurisdiction.*—Mekran Division.

PA-7520 Major Sadiq Amin, Coast Guards.

2. The Military Courts for other parts of the Province will also be announced shortly.

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No. 6

[18th July 1977]

## ADULTERATION OF FOOD, DRINK OR DRUGS

I, Major-General Abdullah Saeed, Martial Law Administrator issue the following order which will be operative with immediate effect in the entire Province of Baluchistan :

Whoever :—

(a) Adulterates any article of food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink ; or

(b) Sells, or offers or exposes for sale as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink ; or

(c) Adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration ; or

(d) Knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes, by any person not knowing of the adulteration ; or

(e) Knowingly sells or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation ; shall be punished with rigorous imprisonment for a term which may extend to five years, forfeiture of property, and/or whipping not exceeding 20 stripes.

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No. 7

[18th July 1977]

I, Major-General Abdullah Saeed Martial Law Administrator, Zone 'D', Baluchistan, issue the following order which will be operative with immediate effect in the entire province of Baluchistan :

Whoever, be he a public servant or any other person, accepts or obtains, or agrees to accept, or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official or other functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, or with any public servant, as such shall be punished with imprisonment of either description for a term which may extend to five years, forfeiture of property, and/or whipping not exceeding 20 stripes.

The offences committed under Pakistan Penal Code of 1860, sections 161 to 165-B will also be triable under this order.

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No. 8

[10th August 1977]

I, Major-General Abdullah Saeed Martial Law Administrator, Zone 'D' Baluchistan, issue the following order which will be operative with immediate effect in the entire province of Baluchistan :

Whoever, being assessable to any tax under the provisions of the Estate Duty Act, 1950, the Sales Tax Act, 1951, the Wealth Tax Act, 1963, the Gift Tax Act, 1963 and other Acts, orders etc. for the time being in force ; fails to pay any outstanding taxes, land revenue, rates, any other dues or amounts payable to the Government, Semi-Government or other Government agencies



by 22nd August 1977 shall be tried by Military Courts. Maximum punishment 5 years' Rigorous Imprisonment, forfeiture of property, and/or whipping not exceeding 15 stripes.

*Explanation 1.*—This order shall not be applicable to those cases where the matter is *sub judice* in any Court, or under consideration before any competent authority, on the date of issue of this order.

*Explanation 2.*—As far as the recovery of tax dues by the Baluchistan Excise and Taxation Department is concerned necessary final notices in the case of defaulters of property tax, motor vehicles tax, entertainment tax and capital gains tax etc. have been issued. In case any defaulter has not received such a notice, he may himself contact the Excise and Taxation Officer concerned and obtain demand notice and challan forms for clearing his dues.

*Explanation 3.*—The cases of defaulters, who failed to make the payment of their tax dues as indicated above, would be reported to the Martial Law authorities for appropriate action, by their respective department concerned.

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No. 9

[22nd August 1977]

I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D' Baluchistan, issue the following order which will be operative in the entire Province of Baluchistan.

Whosoever violates Government; Semi-Government; Municipal Corporation or any other recognised agencies rates price list published, circulated, communicated by any other means, pertaining to medicines, edibles, and any other articles of sale etc. or black markets or hoards etc. shall be punished with Rigorous Imprisonment up to 5 years' fine and/or 15 stripes.

This Martial Law Order shall come into force at once and shall be deemed to have taken effect on 5th July 1977.

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No. 10

[31st August 1977]

I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D', (Baluchistan) issue the following order which will be operative with effect from 5th July 1977 in the entire Province of Baluchistan.

1. Whoever indulges in manufacture, illegal sale, import, export, transportation, processes any intoxicating liquor or any other intoxicating material narcotics etc. shall be punished with Rigorous Imprisonment for a term which may extend to 5 years, forfeiture of property, and/or whipping not exceeding 15 stripes.

2. The contravention of any Part of the Prohibition Act, 1977 and any other relevant Act will also be tried under this Order.

*Exception.*—The authorised dealers, licence holders of liquor etc. for sale to non-Muslims and permit holders are exempted from this Martial Law Order.

## No. 11

[4th September 1977]

I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D' (Baluchistan), appoint/relinquish the following Deputy Martial Law Administrator, Sub-Martial Law Administrators and President of Summary Military Courts :—

**Sector 1 (Quetta Division)**

- (a) PA-2527 Brig. Akhtar Hafeez. Deputy Martial Law Administrator, Quetta Division with effect from 5th September 1977.
- (b) PA-4095 Brig. Shakur Jan, SJ. Relinquishes Deputy Martial Law Administrator, Quetta Division with effect from 5th September 1977.
- (c) PA-6704 Lt.-Col. Muhammad Arshad Chaudhry, Punjab. Sub-Martial Law Administrator, Quetta District with effect from 1st September 1977.
- (d) PA-2753 Lt.-Col. Muhammad Akhtar Rizawani. Relinquishes Sub-Martial Law Administrator, Quetta District with effect from 1st September 1977.

**Sector 2 (Sibi Division)**

- (e) PSS-8074 Major Mansoor Hamid, FF. President of Summary Military Court No. 9 for Nasirabad District with effect from 31st July 1977.
- (f) PSS-8828 Major Ayaz Mahmood, Baluch. President of Summary Military Court No. 5 for Kohlu Agency with effect from 17th August 1977.
- (g) PA-6868 Major Akhtar Hussain Awan, Signal. Relinquishes President of Summary Military Court No. 5 for Kohlu Agency with effect from 10th August 1977.

**Sector 3 (Kalat Division)**

- (h) PA-6680 Lt.-Col. Gul Yusuaf, Punjab. Sub-Martial Law Administrator Kalat District with effect from 17th September 1977.
- (j) PA-5117 Lt.-Col. Atta Ullah Baluch. Relinquishes Sub-Martial Law Administrator, Kalat District with effect from 10th September 1977.
- (k) PA-10977 Major Mumtaz Bashir, Punjab. President of Summary Military Court No. 7 for Kalat District with effect from 10th September 1977.
- (l) PSS-15818 Major Abdul Ghani, AK. Relinquishes President of Summary Military Court No. 7 for Kalat District with effect from 15th September 1977.

2. All proceedings of Summary Military Courts will be routed through the AJAG of MLA Zone 'D' before they are countersigned by the respective DMLAs. Ref. DMLA Martial Law Order No. 16.

## No. 12

[14th September 1977]

I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D' (Baluchistan), order the following appointment/relinquishment with effect from 14th September 1977 :—

**1. Enquiry Commission**

- (a) PA-6454 Lt.-Col. S. M. Zulfiqar, President of Enquiry Commission with effect from 14th September 1977.  
A. S. C.
- (b) PA-7573 Maj. Bashir Ahmed, Member of Enquiry Commission No. 1 with effect from 14th September 1977.  
E. M. E.
- (c) 1st Class Magistrate Sardar Member of Enquiry Commission with effect from 14th September 1977.  
Rashid Jan.

**2. Special Military Court No. 1**

- (a) PA-6454 Lt.-Col. S. M. Zulfiqar, Relinquishes President of Special Military Court No. 1 with effect from 14th September 1977.  
A. S. C.
- (b) PA-5590 Lt.-Col. Muhammad Appointed President of Special Military Court No. 1 with effect from 14th September 1973.  
Afsar, A. C.
- (c) Members of the Courts
  - 1. PSS-8763 Maj. Muhammad Yousaf, Arty.
  - 2. Mr. Abdul Aziz Lassi, Magistrate 1st Class.

**3. Summary Military Court No. 7 (Kalat)**

- (a) PA-10977 Maj. Mumtaz Bashir, Relinquishes President of Summary Military Court No. 7 for Punjab.  
Kalat with effect from 14th September 1977.
- (b) PA-10504 Maj. Muhammad President of Summary Military Court No. 7 for Kalat District with effect from 10th September 1977.  
Hayat Khan, Punjab.

**4. Sub-Martial Law Administrator**

- (a) PA-5023 Lt.-Col. Mushtaq Relinquishes Sub-Martial Law Administrator for Kohlu Agency with effect from 10th September, 1977.  
Ahmad, Punjab.
- (b) PA-5360 Lt.-Col. Muhammad Sub-Martial Law Administrator for Kohlu Agency with effect from 10th September 1977.  
Rafi Khan, F. C.

## No. 13

[23rd September 1977]

I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D' (Baluchistan), issue the following order which will be operative with effect from 15th September 1977.

In pursuance of Chief Martial Law Administrator's Martial Law Regulation No. 22 all political activities of any nature within the Cantonment boundaries in the Province of Baluchistan are banned. This ban includes use of loudspeakers, display of posters, hoisting of flags on buildings and vehicles, public meetings, writing of political slogans on walls except permissible indoor activities authorised prior to the promulgation of this order.

Whoever contravenes the contents of this Martial Law Order shall be punished with Rigorous Imprisonment for a term which may extend to 5 years, and/or whipping not exceeding 15 stripes, fine.

## No. 14

[26th September 1977]

I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D' (Baluchistan), order the following appointments which effect from 23rd September 1977.

## 1. Enquiry Commission No. 2

- (a) PA-100346 Col. Safdar President of Enquiry Commission No. 2.  
Ahmad.
- (b) PA-5678 Lt.-Col. Aftab Member of Enquiry Commission No. 2.  
Ahmad Baluch.
- (c) Mr. Abdul Khaliq Kansi, Member of Enquiry Commission No. 2.  
Magistrate 1st Class.

## 2. Enquiry Commission No. 3

- (a) PA-5456 Brig. Akhyan President of Enquiry Commission No. 3.  
Gul Taher.
- (b) PA-6587 Lt.-Col. Abdul Member of Enquiry Commission No. 3.  
Majid, E. M. E.
- (c) Mr. Muhammad Hussain Member of Enquiry Commission No. 3.  
H a z a r a, Magistrate  
1st Class.

## 3. Enquiry Commission No. 4

- (a) PA-3550 Brig. Syed Saeed President of Enquiry Commission No. 4.  
Akhtar.
- (b) PA-4813 Lt.-Col. Aijaz Member of Enquiry Commission No. 4.  
Muhammad, Punjab.
- (c) Mr. Syed Sultan Shah, Member of Enquiry Commission No. 4.  
Magistrate 1st Class.

4. (a) PA-4882 Lt.-Col. Tariq Sub-Martial Law Administrator, Quetta  
Ancees, Arty. District.

- (b) PA-6704 Lt.-Col. Muhd. Relinquishes Sub-Martial Law Administration Arshad Chaudhry, Quetta District with effect from 23rd September 1977.

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No. 15

I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D' (Baluchistan), order the following appointments :

- (a) PA-2527 Brig. Akhtar Relinquishes Deputy Martial Law Administrator, Quetta Division with effect from 1st November 1977.  
Hafeez
- (b) PA-5456 Brig. Akhyan Appointed Deputy Martial Law Administrator Quetta Division with effect from 1st November 1977.  
Gul Taher
- (c) PSS-9926 Major Muna- Appointed President of Summary Military Court for Zhob District with effect from 24th September 1977.  
war Ahmed
- (d) PSS-10931 Major Majeed Appointed President of Summary Military Court for Loralai District with effect from 24th September 1977.  
Ellahi
- (e) PSS-8385 Major Appointed President of Summary Military Court No. 1 for Quetta District with effect from 19th October 1977.  
Muhammad Asif.
- (f) PSS-10086 Major Iftikhar Appointed President of Summary Military Court No. 2 for Quetta District with effect from 19th October 1977.  
Hussain Khalid.
- (g) PSS-7237 Major Ghalib Relinquishes President of Summary Military Court with effect from 19th October 1977.  
Sultan.
- (h) PSS-15668 Major Relinquishes President of Summary Military Court No. 1 for Quetta District with effect from 19th October 1977.  
Muhammad Salim.
- (j) PA-6334 Lt.-Col. President Special Military Court No. 1 from the date of relinquishment of Lt.-Col. Munir Ishrat  
Muhammad Afsar.

2. Relinquishment of all Sub-Martial Law Administrators in the entire province of Baluchistan except Quetta District.

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No. 16

[22nd December 1977]

I, Major-General Abdullah Saeed, Martial Law Administration Zone 'D' Baluchistan, order the following :—

In pursuance of the Proclamation of the fifth day of July, 1977 and in exercise of the powers conferred by Martial Law Order No. 3 issued by the Chief Martial Law Administrator, I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D', make the following Martial Law Order :—

Any allotment of State land made between the first day of January, 1972

and the 4th day of July, 1977, which is not covered by any regular scheme issued for the purpose under section 10 of the Colonization of Government Lands Act, 1912, or which has been obtained by using official position or political influence or by means of fraud or misrepresentation of facts in violation or relaxation of law, rule, condition, policy instructions or orders, may, notwithstanding anything contained in any law for the time being in force, or any order or decree of a Court, tribunal or authority, be cancelled by the Board of Revenue or any officer authorised by it in this behalf :

Provided that no order of cancellation shall be passed without giving the allottee a reasonable opportunity of being heard.

*Explanation.*—The term 'allotment' includes any grant, lease, exchange, sale, restoration of resumed lease or any other transaction so declared by the Board of Revenue.

On cancellation of allotment, the Collector of the District shall resume the land forthwith.

No compensation or claim for improvement, other than compensation in respect of any standing crops, shall be payable by Government to the outgoing allottee.

Where the allottee is aggrieved by the decision of the Board of Revenue or the authorised officer, such allottee may submit a petition to the Martial Law Administrator, Zone 'D' for review, within seven days of such decision.

The Board of Revenue may issue such instructions as it deems necessary for carrying out the purposes of this Martial Law Order and such instructions shall be deemed to form part of this order and shall have effect accordingly.

### No. 17

[22nd December 1977]

I, Major General Abdullah Saeed, Martial Law Administrator, Zone 'D' (Baluchistan), order the following appointments :—

#### 1. Special Military Courts

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|---|--|
| (a) PSS-8920 Major Muhammad Bakhsh, Punjab.   | Relinquishes the member of Special Military Court No. 2 with effect from 29th November 1977. |
| (b) Mr. Ghazi Khan Tarin, Magistrate Class I. | Relinquishes the member of Special Military Court No. 2 with effect from 29th November 1977. |
| (c) Jurisdiction.                             | For "Civil Division Khuzdar" Read "Civil Division, Quetta".                                  |
| (d) PSS-10692 Maj. Ali Hassan Aulikh Arty.    | Appointed member of the Special Military Court No. 2 with effect from 29th November 1977.    |
| (e) Mr. Gulzar Hussain Shah E.A.C.V.          | Appointed member of the Special Military Court No. 2   |

- Magistrate Class I. with effect from 29th November 1977.
2. Summary Military Courts
- (a) PSS-8385 Major Muhammad Asif, F.F. Relinquishes President of Summary Military Court No. 1, Quetta with effect from 30th November 1977.
- (b) PSS-8074 Major Mansoor Hamid, F.F. Relinquishes President of Summary Military Court No. 9 for Nasirabad District with effect from 26th November 1977.
- (c) PA-12451 Major Moghis-ud-Din Bokhari, F.F. President of Summary Military Court No. 9 for Nasirabad District with effect from 26th November 1977.
- (d) PA-7343 Major Mehmood Ahmed Qureshi, Arty. President of Summary Military Court No. 1 Quetta with effect from 30th November 1977.
3. Special Military Court No. 3
- (a) PA-6969 Lt.-Col. Muhammad Abdul Haleem, Baluch. President of Special Military Court No. 3 with effect from 14th December 1977.
- (b) PSS-10927 Major Abdul Raoof Khan, Baluch. Member of Special Military Court No. 3 with effect from 14th December 1977.
- (c) Magistrate Class I, Mr. Malik Naseem Ahmed. Member of Special Military Court No. 3 with effect from 14th December 1977.

No. 18

[8th January 1978]

I, Major-General Abdullah Saeed, Martial Law Administrator, Zone 'D' (Baluchistan), issue the following order which will be operative with effect from 7th January 1978.

1. All appointments of Sub-Martial Law Administrator in the entire Province of Baluchistan ordered *vide* Martial Law Order No. 4 of Zone 'D' stand cancelled with effect from 1st November 1977.

2. Martial Law Administrator, Zone 'D' has decided that Inspection Teams will function at Loralai, Zhob, Nushki and Pishin. Following officers have been appointed O. I. C. Inspection Teams :—

(a) *Loralai*

PA-6823 Lt.-Col. Mushtaq Ahmad, Baluch.

(b) *Zhob*

PA-6380 Lt.-Col. Mushtaq Iqbal, Arty.

(c) *Nushki*

PA-5329 Lt.-Col. Rab Nawaz, F.C.

(d) *Pishin*

PSS-7237 Major Muhammad Ghalib Sultan, F.F.

**No. 19**

[10th January 1978]

I, Major-General Abdullah Saeed, Martial Law Administrator Zone 'D' (Baluchistan), order the following appointments, in exercise of the powers conferred on me *vide* C. M. L. A., M. L. O. 19 and the Commissions appointed below shall have all the powers contained in C. M. L. A. M. L. O. 19.

**1. Enquiry Commission No. 1**

- |  |   |
|--|---|
| (a) PA-6454 Lt.-Col. S. M. Zulfiqar,<br>A. S. C. | President of Enquiry Commission No. 1 with effect from 14th September 1977. |
| (b) PA-7573 Major Bashir Ahmed,<br>EME.          | Member of Enquiry Commission No. 1 with effect from 14th September 1977.    |
| (c) 1st Class Magistrate Sardar<br>Rashid Jan.   | Member of Enquiry Commission No. 1 with effect from 14th September 1977.    |

**2. Enquiry Commission No. 2**

- |  |   |
|--|---|
| (a) PA-100346 Col. Safdar Ahmed.                   | President of Enquiry Commission No. 2 with effect from 23rd September 1977. |
| (b) PA-5678 Lt.-Col. Aftab Ahmed,<br>Baluch.       | Member of Enquiry Commission No. 2 with effect from 23rd September 1977.    |
| (c) Mr. Abdul Khaliq Kanshi, Magistrate 1st Class. | Member of Enquiry Commission No. 2 with effect from 23rd September 1977.    |

**3. Enquiry Commission No. 3**

- |  |   |
|--|---|
| (a) PA-5456 Brig. Akhyan Gul Taher.                      | President of Enquiry Commission No. 3 with effect from 23rd September 1977. |
| (b) PA-6587 Lt.-Col. Abdul Majid,<br>E. M. E.            | Member of Enquiry Commission No. 3 with effect from 23rd September 1977.    |
| (c) Mr. Muhammad Hussain Hazara<br>Magistrate 1st Class. | Member of Enquiry Commission No. 3 with effect from 23rd September 1977.    |

**4. Enquiry Commission No. 4**

- |  |   |
|--|---|
| (a) PA-3550 Brig. Syed Saeed Akhtar.               | President of Enquiry Commission No. 4 with effect from 23rd September 1977. |
| (b) PA-4813 Lt.-Col. Aijaz Muhammad<br>Punjab.     | Member of Enquiry Commission No. 4 with effect from 23rd September 1977.    |
| (c) Mr. Syed Sultan Shah, Magistrate<br>1st Class. | Member of Enquiry Commission No. 4 with effect from 23rd September 1977.    |

5. All previous instructions/orders on the above subject may be treated as cancelled.



## **MARTIAL LAW ORDERS**

*By*  
**MARTIAL LAW ADMINISTRATOR ZONE 'E'**

**No. 1**

**[18th July 1977]**

(1) Offices of all political parties shall cease to function with immediate effect.

(2) No one shall fly or hoist the flag of any political party on any building, premises or place of any kind or on vehicle of any type.

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**No. 2**

**[18th July 1977]**

No one shall use loudspeakers or similar appliances for any purpose with immediate effect.

*Exception.*—The provisions of this Order shall not apply to use of loudspeakers in mosques for purposes of 'Azan' and 'Khutba' on Fridays.

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**No. 3**

**[18th July 1977]**

No one shall use any place of worship for any political purpose in any manner whatsoever.

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**No. 4**

**[18th July 1977]**

(1) All types of fire-arms, ammunition and explosives, required to be deposited with the nearest Police Station or an Army unit under Martial Law Regulation No. 8, shall be so deposited by 13th of August, 1977.

*Exception.*—The provisions of this Order shall not apply to the residents of sub-divisions of Chilas and Darel-Tanger, District Dlamr for the time being.

(2) No action shall be taken against a person who in compliance with this Order, deposits the fire-arms, ammunition and explosives referred to above within the specified period as above mentioned.

## No. 5

[2nd August 1977]

Northern Areas Council, is not dissolved, but will remain inoperative till further orders ; during this period all powers of the Council will be exercised by the Vice-Chairman of the Council, Resident and Commissioner, Northern Areas, under the directions of M. L. A. Zone "E".

## No. 6

[November 1977]

1. Any Martial Law Authority, may by notification published in the official Gazette and in such manner as may be considered suitable to make it widely known :—

(a) Declare any person, who, being required by such authority for the purpose of any investigation, inquiry or other proceedings connected with an offence under Martial Law Regulations to report to such authority at the time and place required by such authority, fails to so report, or with the intention of avoiding to so report, goes and stays abroad, to be an absconder, and

(b) Direct such person to appear before such authority within such period as may be specified in the notification or, in the case of a person staying abroad on the date of publication of such notification within a reasonable period from such date.

2. Whoever, being directed by a notification under sub-paragraph (a) to appear before any Martial Law Authority fails to so appear without showing reasonable cause to the satisfaction of such authority shall be punished.

3. A person may be tried *in absentia* for contravention of this Martial Law Order.

## No. 7

[10th November 1977]

1. All outstanding Government dues, including loans advanced by the Northern Areas Cooperative Bank Limited, Gilgit which have not been realized fully on the date of issuance of this order, shall be paid as under :—

(a) The whole amount, where the amount does not exceed Rs. 5,000, by 10th December, 1977.

(b) Where the amount exceeds Rs. 5,000, a quarter of the amount or Rs. 5,000 whichever is more by 10th December, 1977.

(c) Remaining amount will be recovered in three equal instalments, by 10th January 1978, 10th February 1978 and 10th March 1978.

2. Provided that the Resident and Commissioner, Northern Areas gives a prior approval to the Manager or Head of the Department concerned to accept bank guarantees, share certificates, Government bonds or such other tangible securities from defaulters who are unable to pay back the loans in cash.